

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31686 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- VIGILANCE District- Patna

PRIYAMVADA KUMARI @ PRIYAMADA KUMARI W/o Shankar Kumar
Resident of Karynand Nagar, Ward No. 09, P.S.- Lakhisarai, Distt.- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of vigilance, Bihar through its Superintendent of Police,
Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kislay

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-08-2019 Petitioner apprehends her arrest in connection with

Special Case No. 40/ 2018 registered for offences punishable

under Section 7(a) of the Prevention of Corruption Act.

Prosecution case is that on the application of the complainant that when he along with his wife, who is posted as Aanganwadi Sevika at Ward No. 6 of Sikandra Block, went to the office of the Child Development Project Officer for release of amount of Posahar, which has not been issued for last three months, then, the petitioner, who is a Child Development Project Officer instructed them to meet the Date Entry Operator, namely, Md. Akhtar, as per the direction of the CDPO, complainant met said Md. Akhtar, who demanded a bribe of Rs.



40,000/-, a verification was done by the Vigilance Investigation Bureau, which was found to be true and, thereafter, pre trap memorandum was prepared and Md. Akhtar was arrested while taking bribe from the informant and, thereafter, post trap memorandum was prepared and it is said that Md. Akhtar and one Rakesh accepted the bribe from the complainant at the behest of the petitioner.

Submission of learned senior counsel for the petitioner is that the petitioner has been made accused in this case only on the basis of suspicion, as materials only show that she asked the complainant to meet Md. Akhtar and there is not allegation that she demanded any money from the complainant rather whatever demand was made that has been made by Md. Akhtar.

Learned counsel appearing on behalf of Vigilance Department opposed the prayer for bail, however, he could also not controvert the above submission of learned senior counsel that there is no allegation against the petitioner of demand or taking bribe.

Having heard both sides, in view of the above facts, this application is allowed. Let the petitioner, above named, in the event of her arrest or surrender before the court below within



six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance -II, Patna, in connection with Special Case No. 40/ 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is further subject to the condition that petitioner will cooperate in the investigation and make herself available as and when required by the Special Judge, except on showing genuine reasons, failing which, the prosecution will be at liberty to move for cancellation of her bail bonds.

(Vinod Kumar Sinha, J)

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