

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33350 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- BIHARSHARIF District- Nalanda

BIRENDRA KUMAR Son of Late Gopal Prasad Resident of Flat No. 305, Swaroop Smriti Vihar, Tapo Asthan, Karbigahiya, P.S.- Jakkanpur, District- Patna, at present working as Food Safety Officer Cum Designated Officer, Begusarai, Khagaria and Nalanda

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Vigilance Investigation Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ajay Kumar Thakur, Advocate
For the Opposite Party/s :	Mr.Umeshanand Pandit, APP
For Vigilance Department:	Mr. Ajay Mishra, A/c to Vigilance

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 01-10-2019 Petitioner seeks bail in anticipation of his arrest in connection with Bihar P.S. Case No. 47 of 2019 registered for the offences punishable under Sections 420, 419 of the Indian Penal Code and Sections 7, 10 and 13(2) of Prevention of Corruption Act, 1988.

Allegation against the petitioner, who happens to be Food Safety Officer, is that on conducting raid of several shops, from the Manager of Agrawal Sweets he has accepted Rs.1500/- as bribe. The matter was inquired into by the 3-Men Committee on the order of District Magistrate and allegation was found not true, rather he has been found guilty on the ground that he has not obtained permission from the District Magistrate.

Submission of learned counsel for the petitioner is that he



has obtained permission from the District Magistrate and police force was provided to him, which will appear from the record of the case and moreover there is no provision of providing result of report to the District Magistrate, rather with permission of Food Commissioner, case has to be lodged against shops.

Heard learned counsel for the Vigilance Department, who has opposed the prayer on the ground that salesman of the shop has also supported the allegation, apart from the inquiry report.

In view of above facts and circumstances, let petitioner surrender and on surrender he shall 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 the Special Judge, Vigilance-1, Patna, in connection with Vigilance Case No. 9 of 2019, arising out of Bihar P. S. Case No. 47 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the court concerned and further condition that petitioner has to co-operate in the investigation and appear before the police as and when required.

(Vinod Kumar Sinha, J)

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