

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45254 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- VIGILANCE District- Patna

RAJ BHAI Son of Late Parkhalal Bind Resident of Village - Marachi, P.S.-
Paraiya, District- Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Director Vigilance Department Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrwal, Sr. Advocate & Mr. Birendra Kumar
For the Opposite Party/s : Mr. Ajay Mishra AC to Vigilance

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-07-2019 Heard learned counsel for the petitioner and the
learned counsel for the Vigilance.

The petitioner seeks bail in Vigilance case no. 4 of
2019 instituted for the offence under Section 7(a) of the P.C.
Act, 2018.

In the written report, it is alleged that truck of the
informant was seized by the Mining Department on 14.1.2019.
The Additional Director Mining imposed a fine of Rs. 31,500/-
which he deposited vide Demand Draft No. 353786 on
15.1.2019 and met the officer-in-charge Sirdala, Police station
for release of his truck. The officer-in-charge told him that for
that he would have to pay bribe and directed the complainant
to meet with petitioner who was working as Munshi in the
police station at the relevant time. It is further alleged when



complainant met with petitioner, he demanded Rs. 10,000/- for the officer-in-charge and Rs.2000/- for himself, total 12,000/- as bribe money for release of truck of the complainant. The S.H.O. of Nigrani P.S., after receipt of the complaint, entrusted the matter to A.S.I. Chandrabhushan Kumar Singh of Nigrani P.S. to verify the allegation and submit his report. The verifier, in the light of the aforesaid direction, verified the allegation by personally visiting Sirdala P.S. with the complainant where the complainant met with petitioner and requested for doing his work on which the petitioner told him to stay at the tea stall as he is going to ask the S.H.O. about the amount of bribe. He asked the complainant on return to pay Rs. 15,000/- bribe for S.H.O. and Rs. 2000/- for himself and in this way demand of Rs. 17,000/- was made from the complainant. The verifier submitted his verification report dated 18.1.2019 narrating the aforesaid facts. Accordingly the FIR of present case was instituted in the Vigilance P.S. and a trap team was constituted under the leadership of Sri Vimlendu Kumar Verma, Dy. S. P. vigilance on 18.1.2019 and pre-trap memorandum was prepared in presence of the members of trap team and the complainant observing all the formalities like administering phenolphthalein powder on the G. C. notes of Rs.17,000/-



proposed to be given to the accused persons as bribe money. The trap team on 19.1.2019 conducted trap of petitioner who was caught red handed while receiving the bribe money amounting to Rs. 17,000/- from the complainant in presence of the verifier. The bribe money was recovered from right hand of the petitioner. Thereafter, the hand of the petitioner was washed with the solution of sodium carbonate and colour of the solution turned into pink confirming the allegation of receiving bribe money by petitioner. Accordingly, the post trap memorandum was prepared and the petitioner was apprehended. In this manner the petitioner was caught red handed accepting bribe of Rs. 17,000/-.

Therefore, this Court is not inclined to grant bail to the petitioner. The prayer for bail of the petitioner stands rejected.

Trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt of copy of this order.

(Sanjay Priya, J)

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