

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50360 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- VIGILANCE District- Patna

SHASHI BHUSHAN KUMAR (Male), aged about 45 years, Son of Late Surya Dev Singh, Resident of Village-Dihra, P.S.-Obra, District-Aurangabad. Presently resident of Police Colony, Behind D-72, P.S.-Phulwari, District-Patna, Account Clerk-cum-Cashier, Officer of Executive Engineer, Road Construction Department, Patna, West, Patna.

... .. Petitioner

Versus

The State of Bihar through Vigilance Investigation Bureau, Bihar, Patna.

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Anuj Kumar, Advocate.

For the Opposite Party : Mr.Anjani Kumar (L.O.Inc.Vigi).

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and learned counsel for the Vigilance.

The petitioner is languishing in custody since 09.06.2019 in a case for the offence registered under Sections 109, 120(B) of the IPC, 7(a) and 12 of the P.C. Act.

The prosecution story, in brief, is that the complainant being the Chief Operating Officer of Saj Infracon Project India Limited got contract work for construction of road from the Road Construction Department, Bihar, Patna. When co-accused Executive Engineer, Sri Suresh Prasad Singh started evading for execution of agreement, then he met with the Superintending Engineer and submitted written complaint. After his direction,



the agreement was executed on 08.03.2019 after much delay and thereafter the complainant completed the road construction work between Bikram to Amahra Via Gonwa total Seven Kilometer for which he was paid only RS. 2,30,00,256/- on 27.05.2019. Total cost of the work is Rs. 44,22,82,993/- and for the purpose of fast work, the complainant collected stock of raw materials to the tune of rupees Three to Four Crores and met with co-accused Sri Suresh Prasad Singh for secured advance of rupees Three Crores, then he demanded Rs. 40,00,000/-. The complainant again met with the co-accused for clearance of his secured advance then he reiterated that it will be passed only after the bribe of Rs. 32,00,000/- is paid to him. After receipt of the complaint petition, the S.H.O. of the Vigilance P.S. entrusted the same to Sri Sanjiv Kumar S.I. Vigilance P.S. to verify the allegation and submit his report stating therein that he made verification of the allegation as levelled in the complaint petition on 07.06.2019 by himself visiting in the office of the co-accused Suresh Prasad Singh who made demand of Rs. 32,00,000/- as bribe from the complainant but after discussion the deal was finalized at Rs. 14,00,000/- which was to be paid to the petitioner Shashi Bhushan Kumar as per the direction of accused Suresh Prasad Singh. When the complainant met with



the petitioner he became ready to take the bribe amount on behalf of Executive Engineer. On the basis of verification report submitted by the verifier the S.H.O. of Vigilance P.S., a Trap Team was constituted under the leadership of Sri Gopal Paswan, Dy. S.P. Vigilance and a pre-trap memo was prepared on 08.06.2019 in presence of the members of the Trap Team and complainant, observing the formalities like administering of phenolphthalein powder on the G.C. notes of Rs. 14,00,000/- to be given as bribe to the accused persons. On 08.06.2019 itself, the Trap Team conducted trap at the first floor of dwelling house of the accused co-accused Suresh Prasad Singh where the accused persons were caught red handed while receiving the bribe amount of Rs. 14,00,000/- from the complainant in presence of the verifier. The petitioner Shashi Bhushan Kumar was also present at the house of the co-accused Suresh Prasad Singh who after receiving the Briefcase containing the bribe amount opened the same and handed over two bundles of G.C. Notes to this petitioner for counting the same. It is further alleged that the hands of the co-accused and this petitioner were washed in the solution of sodium carbonate upon which the colour of solution turned pink confirming the allegation of accepting bribe money by the co-accused and this petitioner.



Accordingly, both of them were arrested and forwarded in this case.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is an Accounts Clerk-cum-Cashier in the office of the Executive Engineer, Road Construction Department, Bihar, Patna. The petitioner was given money for counting. He had no knowledge in respect of the source of money. Procedure of trap has not been followed in this case. The main allegation is against co-accused Suresh Prasad Singh, who happens to be the Executive Engineer in the Road Construction Department. It is further submitted that the petitioner is ready to deposit an amount of Rs. 1,50,000/-(One Lac Fifty Thousand) only in the learned court below which shall be subject to final outcome of the case.

On behalf of the learned counsel for the Vigilance, it has been submitted that the petitioner is named in the F.I.R. The petitioner was also apprehended in course of trap with Rs. 4,00,000/-.

Considering the aforesaid facts and circumstances, the



petitioner is directed to deposit an amount of Rs. 1,50,000/- (Rupees One Lac Fifty Thousand) only in the learned court below which shall be subject to final outcome of the case. On doing so, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-1, Patna, in connection with Special Case No. 23 of 2019, arising out of Vigilance P.S. Case No. 23 of 2019.

(Sudhir Singh, J)

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