

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54930 of 2019

Arising Out of PS. Case No.-254 Year-2018 Thana- BEUR District- Patna

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KRISHNA MURARI TIWARI Son of Sri Ram Sakal Tiwari Resident of
Village - Solhanda, P.S.- Makhdumpur, District- Jehanabad, At present Posted
as Home Guard Constable at Beur, Police Station, Patna, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The S.P. Vigilance Investigation Bureau, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 21.07.2019 in
connection with Special Case No. 32 of 2019 (Beur P.S. Case
No. 254/2019) registered for the offence punishable under
Sections 224/120(B) of the Indian Penal Code and Section 7,
13(1), 13(2) of the Prevention of Corruption Act.

Learned counsel for the petitioner submits that the
petitioner is just a Homeguard who was in the accompanying
team which has arrested a few accused persons who were
allegedly found to be in possession of 13 bags of coins. It is
submitted that after apprehending them the patrolling party had



taken the accused persons to Beur Police Station and they were locked up in the “Hajat” and later on some of them were released after taking P.R. bond. Learned counsel for the petitioner further submits that it is only because the accused persons were released by the Station House Officer that the petitioner who was part of the apprehending team has been alleged to have aided and abetted the release of such persons who were taken into custody. Learned counsel for the petitioner however, submits that the petitioner is a Homeguard and his role in the raiding team was minimal moreso he had no role to play after the accused persons were taken into custody.

Shri Mishra, learned counsel appearing on behalf of the Vigilance is also present and submits that the petitioner is merely a Homeguard and his role in the release is not clearly stated in the FIR.

Having considered the entire facts and circumstances of the case and the nature of allegations as levelled against the petitioner and that he has no criminal antecedent, 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 learned Special Judge, Vigilance, Patna, in connection with



Special Case No. 32 of 2019 (Beur P.S. Case No. 254/2019).

(Anjana Mishra, J)

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