

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61294 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- BEUR District- Patna

Sunil Choudhary, Son of Late Hari Kishun Choudhary, Resident of Village and P.O. Hathiawan, P.S.- Mahkar (Khijarsarai), District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Ms. Babita Kumari, Advocate
For the Opposite Party/s	:	Mr. Anjani Kumar (L.O. Inc. Vigilance, Bihar, Patna) Mr. Deepak Sahay Jamuar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner, learned counsel for the Vigilance and learned APP for the State.

The petitioner, being S.I. of Police, is languishing in custody since 20.07.2019 in a case registered for the offences punishable under Sections 224, 120B of the Indian Penal Code, 1860 and Sections 7, 13(1), 13(2) of Prevention of Corruption Act, 1988.

The prosecution case as per the written report of Samrat Deepak, Station House Officer of Naubatpur Police Station is to the effect that in connection with Naubatpur P.S. Case No. 472 of 2019 which was registered under Section 395 of the IPC, the informant along with SHO of Bihta Police Station and SHO of Dulhin Bazar Police Station conducted a



raid when two persons namely, Bittu Kumar and Pintu Kumar were apprehended. They subsequently confessed that they committed robbery of coins loaded on a pickup van. They also confessed that they along with co-accused Sonu Kumar and Anand Choudhary were going to Patna via Masaurhi on an Indica car carrying 13 bags of coins and as soon as they reached near Sipara railway crossing, at 3.30 A.M., the police patrolling intercepted them and after making the search, the patrolling party released co-accused Sonu Kumar. It is alleged that ASI Vinod Kumar Rai, private driver Sonu Kumar, Home Guard Birendra Sharma, Krishna Murari Tiwari and Surendra Kumar were present at the place of occurrence but subsequently, Anand Kumar Choudhary, Pintu Kumar and Bittu Kumar were brought to Beur Police Station along with seized coins and vehicle. They further disclosed that the SHO of Beur Police Station namely, Pravesh Bharti and S.I. Sunil Kumar, the petitioner after taking illegal gratification from the brother of Anand Choudhary, namely, Teju Choudhary released the apprehended accused persons.

It is submitted by learned counsel for the petitioner that due to the service rivalry, the accusation has been levelled against the petitioner. The investigation has already been



concluded and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the Vigilance submits that there is specific accusation against the petitioner and the SHO of Beur Police Station, Pravesh Bharti that after taking illegal gratification, they got the apprehended co-accused persons released.

Considering the fact that the investigation has already been concluded and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna in connection with Special Case No. 32 of 2019, arising out of Beur P.S. Case No. 254 of 2019.

(Dinesh Kumar Singh, J)

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