

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67738 of 2019**

Arising Out of PS. Case No.-291 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

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1. Kumar Vineet @ Ramashankar @ Vineet Kumar, aged about 25 years, Male, Son of Indradeo Singh, Resident of Village Pandeychak, P.O. + P.S. Bihta, District Patna.
2. Rakesh Kumar, aged about 40 years, Male, Son of Late Ramdhani Rai, Resident of Village Madhopur, P.O. + P.S. Bakhtiyarpur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar through Additional Director General, Vigilance, Patna, Bihar.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioners | : | Mr. Yogesh Chandra Verma, Senior Advocate<br>Mr. Uday Shankar Singh, Advocate |
| For the Vigilance   | : | Mr. Ajay Mishra, A.C. to L.O. Inc. Vigilance                                  |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      04-12-2019                      Heard Mr. Yogesh Chandra Verma, the learned Senior Counsel for the petitioners and Mr. Ajay Mishra, the learned counsel appearing on behalf of the Vigilance Department.

The petitioners seek bail in Chapra (Mufashil) P.S. Case No.291 of 2019, corresponding to Special Case No.21 of 2019, registered under Sections 420, 409 and 120(B) of the Indian Penal Code and under Sections 13(1)(a) read with Section 13(2) of the Prevention of Corruption Act.

The gist of the allegation is that on 28.07.2019, the Superintendent of Police informed the S.H.O. of Chapra Muffasil P.S. that one Himanshu Rai, a broker, was arrested and he disclosed that with the help of Enforcement Sub-Inspector,



Prabhash Chandra Jha and his helpers, they used to get the over loaded truck with sand passed through without paying tax on illegal payment of Rs.500-600/-.

Learned Senior Counsel for the petitioners submits that the petitioners are said to be the helpers of Prabhash Chandra Jha, the Enforcement Sub-Inspector and save and except the fact that Himanshu Rai confessed his guilt and disclosed the name of the petitioners as helpers of Enforcement Sub-Inspector, there is no material to show the involvement of the petitioners in collecting illegal money from the driver of the over loaded truck with sand. It is further submitted that Prabhash Chandra Jha, the Enforcement Sub-Inspector, who went to the police station to inquire about the reason of arrest of Himanshu Rai, has already been granted bail by a coordinate Bench of this Court by order dated 15.11.2019, passed in Cr. Misc. No.60176 of 2019. The case of the petitioners stands on better footing as that of Prabhash Chandra Jha. The petitioners are in jail since 30.07.2019.

Mr. Ajay Mishra, the learned counsel appearing on behalf of the Vigilance while opposing the prayer for bail of the petitioners submits that the learned Special Judge referred some paragraphs in his order and disclosed that materials have been collected during the course of investigation.

It appears from the records that the names of the



petitioners figured in the confessional statement of Himanshu Rai and Prabhash Chandra Jha, Enforcement Sub-Inspector, who had gone to the police station to inquire about the reason of arrest of Himanshu Rai. Himanshu Rai is said to have disclosed that they in collusion with Prabhash Chandra Jha, Enforcement Sub-Inspector used to collect illegal money from the trucks over loaded with sand and got the trucks passed through without paying legal tax. Prabhash Chandra Jha has already been enlarged on bail. Nobody has seen the petitioners collecting any money on behalf of Prabhash Chandra Jha from the trucks over loaded with sand.

Considering the facts aforesaid and the fact that the petitioners have already remained in jail for more than four months, petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, North Bihar, Muzaffarpur in Chapra (Mufashil) P.S. Case No.291 of 2019, corresponding to Special Case No.21 of 2019.

**(Prabhat Kumar Jha, J)**

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