

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70454 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- VIGILANCE District- Patna

MD. SEIKH SHAHABUDDIN @ SHEIKH SAHABUDDIN, aged about 54 years, Male, Son of Md. Muzatawa, Resident of Village - Sagardina, P.S.- Chiraiya, Distt - East Champaran, Urdu Translator - cum- Correspondence Clerk, SDO office, Sikraha at Dhaka, Distt - East Champaran
... Petitioner

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau, Bihar, Patna, Bihar

... Opposite Parties

Appearance :

For the Petitioner : Mr. Anuj Kumar, Adv.
For the Vigilance : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-11-2019 Heard learned counsel for the petitioner and learned counsel for the Vigilance.

The petitioner seeks pre-arrest bail in connection with Special Case No. 22 of 2019 (arising out of Vigilance P.S. Case No. 34 of 2019) registered under Sections 7(a) and 12 of the Prevention of Corruption Act, 1988.

The accusation is that on the complaint of Sidiqui Ahmad about demanding of Rs.30,000/- as bribe to convert the Case No. 669 M of 2019 registered under Section 144 of the Criminal Procedure Code into Section 145 of the Criminal Procedure Code by Vinay Kumar Singh, Bench Clerk of Subdivisional Officer, Dhaka, Motihari, informant, Sidiqui Ahmad, and Mani Kant Singh, Constable of Vigilance



Department, reached at the Subdivisional Officer's office. On 02.08.2019 at 01.53 p.m. on mobile no. 9473061688 of complainant, Sidiqui Ahmad, call was received from mobile no. 6205661018, caller disclosed his name Md. Sheikh Shahabuddin (petitioner) and told that opposite party has come in the Court for disposal of Case No. 669 M of 2019 and the case will be dismissed within hour. Thereafter, the informant reached at the office of the Subdivisional Officer, Dhaka, Motihari, where Vinay Kumar Singh, Bench Clerk of Subdivisional Officer and Md. Sheikh Shahabuddin (petitioner) met. The complainant talked to Md. Sheikh Shahabuddin (petitioner) about his work and he told the complainant that there is no chance of reducing the amount. Thereafter, complainant, Sidiqui Ahmad, approached and talked to Bench Clerk, Vinay Kumar Singh, then, Vinay Kumar Singh asked the petitioner to reduce the amount. Thereafter, the petitioner asked to the complainant to give Rs.25,000/-, on which complainant told that he had come with Rs.4000-5000 only, then, petitioner replied that total amount will be taken one time. The complainant sought time, on which petitioner moved near Bench Clerk for query, then, again, petitioner told to give full amount.



The learned counsel for the petitioner submits that in fact the petitioner is the Urdu Translator in the office of the Subdivisional Officer, Dhaka, Motihari, and he has falsely been implicated in this case mere on suspicion. More over, on perusal of the complaint petition and the first information report, it will appear that not a single penny was given either to the petitioner or to the Bench Clerk.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Special Case No. 22 of 2019 (arising out of Vigilance P.S. Case No. 34 of 2019) shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance, Muzaffarpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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