

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7872 of 2020

Arising Out of PS. Case No.-257 Year-2019 Thana- KOCHAS District- Rohtas

Rajendra Pandey Son of Late Prasiddh Pandey Resident of New Colony,
Pakari, Police Station - Nawada, District – Bhojpur. Petitioner/s

Versus

The State of Bihar through Dept. of vigilance Bihar Opposite
Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar
Mr. Rajesh Ranjan
For the Opposite Party/s : Mr. Arvind Kumar
For the Vigilance : Mr. Rana Vikram Singh, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the Vigilance.

Petitioner is apprehending arrest in connection with
Special Case No. 44 of 2019 arising out of Kochas P.S. Case
No. 257 of 2019 for the offence under section 120(B) of the
Indian Penal Code read with Section 7/8 of the Prevention of
Corruption Act.

Learned counsel for the petitioner submits that
petitioner has no criminal antecedent.

Allegation against this petitioner is that he has
unauthorizedly allowed three persons to work in his office.
There is no allegation of taking bribe. There is also no allegation
that he was involved in corrupt practice.

Learned counsel for the petitioner would submit that
in the totality of facts situation, Prevention of Corruption Act is
not applicable as there is no question of any corrupt practice and



in the absence of such allegation levelling offence under the Prevention of Corruption Act is totally misconceived.

Since there is no allegation of demand of any bribe or any undue favour merely because three persons were found doing work in the office of petitioner cannot be a ground to deny the bail of this petitioner as primarily the responsibility is of the Head of the Institution and if the the liability is fasten on the petitioner then liability goes in the system of everyone holding higher post is accountable, the Court is inclined to grant anticipatory bail to the petitioner, let the petitioner, named above, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna, in connection with Special Case No. 44 of 2019 arising out of Kochas P.S. Case No. 257 of 2019 subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

Ravi/-

U		T	
---	--	---	--

