

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17868 of 2020**

Arising Out of PS. Case No.-14 Year-2019 Thana- C.B.I CASE District- Patna

BALWANT KUMAR Son of Dinesh Chaudhary Resident of Village - Naya Tola, Baluahi, P.S.- Khagaria, Distt - Khagaria and Presently residing at C/o Sri Sarvesh Sinha, Railway Colony Road, Mirzapur, Nahta, Fatuha (Patna), and Posted as Sub-Inspector, Railway Protection Force at RPF Post, Fatuha Junction, Bihar.

... .. Petitioner

Versus

The State of Bihar through Central of Investigation, Patna. Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Ranjit Kumar, Advocate
For the Opposite Party/s	:	Mr. Bipin Kumar Sinha, SC for C.B.I

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-06-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard Mr. Ramakant Sharma, learned Senior Counsel for the petitioner and Mr. Bipin Kumar Sinha, learned Standing Counsel for the Central Bureau of Investigation.

The petitioner in the present case is seeking regular bail in connection with CBI/ACB/PATNA Case No. RC0232019A0014/2019 [RC 14(A)/19] dated 10.12.2019 registered for the offence punishable under Section 7 of Prevention of Corruption Act, 1988.

Learned Senior Counsel for the petitioner submits that



as per the first information report, this petitioner was demanding a sum of Rs. 25,000/- for sending the case diary of the case in which the informant was an accused and was granted bail on 11.11.2019. It is alleged that after carrying on the verification against the suspect (this petitioner), a trap was led in which the petitioner was arrested while accepting a bribe of Rs. 5000/- in cash.

Learned Senior Counsel submits that this petitioner was the investigating officer of the case against the informant, he had already submitted the case diary to the learned court on 09.12.2019, therefore, the allegation that the petitioner was looking for Rs. 25,000/- as bribe for sending the case diary is only a concocted story and the fact is that the petitioner has been falsely implicated in this case, there was no recovery of money from the hands of the petitioner and the said recovery of Rs. 5000/- is from the table in the office of the petitioner. It is his submission that the allegation of acceptance of bribe has no *prima-facie* evidence to support.

Learned Senior Counsel further submits that the petitioner has remained in custody in connection with the present case for almost six months, chargesheet against him is already filed and at this stage if the petitioner is released on bail he would abide by the terms and conditions which may be imposed by this Court for purpose of grant of regular bail. According to him, there



is no chance of tampering with the evidence or in any way adversely affect the course of trial.

Mr. Bipin Kumar Sinha, learned Standing Counsel for the Central Bureau of Investigation has opposed the prayer for regular bail of the petitioner. It is his submission that there are independent witnesses in the case diary to support the prosecution version of the story and in fact the petitioner had not disclosed to the informant that he had already submitted the case diary. In any case, submission of Mr. Sinha is that the prayer for bail of the petitioner be not considered at this stage and it may be deferred to the stage of framing of charge.

Having heard learned Senior Counsel for the petitioner and learned Standing Counsel for the Central Bureau of Investigation and on noticing the submissions of learned counsel for the parties particularly that the petitioner has remained in custody for almost six months, investigation against him is complete and at this stage there being no submission that the release of the petitioner is in any way likely to adversely affect the course of trial, let the petitioner above named be released on bail in connection with CBI/ACB/PATNA Case No. RC0232019A0014/2019 [RC 14(A)/19] on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Special Judge,



CBI-1, Patna, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

