

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19575 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- VIGILANCE District- Patna

SANJAY KUMAR SHRIVASTAVA @ SANJAY KUMAR Son of Late Yogendra Prasad Shrivastava Resident of Village- Bhagwanpur Hat, P.S.- Bhagwanpur Hat, District- Siwan, working as Computer Operator, Registry Office Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-06-2020

Heard learned counsel for the parties.

2.This application for regular bail arises out of
Vigilance (Patna) P.S. Case No. 5 of 2020/Special Case
No. 8 of 2020, disclosing offences punishable under
Section 7(a) of the Prevention of Corruption Act, 1988.

The case has been registered on the basis of
complaint lodged by the complainant before the
Superintendent of Police-cum-Officer Incharge, Nigrani
Police Station, Patna to the effect that the petitioner was
demanding illegal gratification for registration of a *Will*,
which the complainant wanted to execute. The petitioner



was admittedly working on contractual basis as Computer Operator in Registration Office Gopalganj. He is said to have demanded a sum of Rs. 15,000/- for getting the work done.

A raiding team was subsequently constituted after verification of the allegation made by the complainant. From the post trap memorandum, it appears that the petitioner and one Pappu Srivastava, a co-accused were apprehended by the Vigilance Sleuths, red-handed.

Learned counsel appearing on behalf of the petitioner has submitted, referring to the post trap memorandum that admittedly no money was recovered from the petitioner's possession. Allegedly, during the trap, the Vigilance Personnel recovered from the possession of co-accused Pappu Srivastava, a sum of Rs. 10,000/-, which the complainant had given as bribe. It is mentioned in the post trap memorandum that the complainant had told the Vigilance officials that the money was taken by the petitioner, which was handed over by him to co-accused Pappu Srivastava.

In the background of the aforesaid allegation,



learned counsel for the petitioner has submitted that since there is no recovery of any incriminating material from the petitioner's possession, he deserves grant of bail as he is in custody since 13.02.2020.

Considering the submission that the said bribe money recovered from the possession of co-accused Pappu Srivastava, this application is allowed.

Let the petitioner above-named 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 the learned Special Judge (Vigilance), Muzaffarpur in Vigilance (Patna) P.S. Case No. 5 of 2020/Special Case No. 8 of 2020.

(Chakradhari Sharan Singh, J)

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