

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20974 of 2020

=====

1. PAPPU KUMAR SRIVASTAVA @ PAPPU SRIVASTAVA (male) aged
about 32 years, S/o- Sri. Ajay Kumar Srivastava, R/o village- Yadopur,
P.S.- Yadopur, District- Gopalganj

... .. Petitioner

Versus

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

... .. Opposite Parties

=====

Appearance
For the Petitioner/s : Mr.Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr.Anjani Kumar AAG 4
: Ms.Pushpa Sinha 2

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 19-08-2020 Heard Mr. Dhananjay Kumar, learned counsel

appearing on behalf of the petitioner, Mr. Anjani Kumar,

learned AAG 4 representing the Vigilance Department and Ms.

Pushpa Sinha 2, learned Addl. Public Prosecutor appearing for

the State of Bihar.

This application for grant of regular bail arises out of

Vigilance (Muzaffarpur) P.S. Case No. 5 of 2020/Special Case

No. 8 of 2020, registered for the offence punishable under

Section 7 (a) of Prevention of Corruption Act (Amendment Act

2018).

A counter affidavit has been filed on behalf of

opposite party no. 2 and the response to the said counter

affidavit has been filed on behalf of the petitioner by way of



rejoinder. Briefly narrated the case of the prosecution is that one Sanjay Kumar Srivastava, co-accused was working as computer operator in the office of Sub-Registrar, Gopalganj and was demanding bribe amount of Rs. 15,000/- from the complainant, for the registration of certain document. On receiving such allegation, a trap was laid by the Vigilance Department. According to the F.I.R., the said Sanjay Kumar Srivastava had received the bribe money and handed it over to the petitioner. The recovery of bribe money was made from the petitioner's possession. Both of them were apprehended.

Learned appearing on behalf of the petitioner has submitted that allegation of demand of bribe money, negotiation therefor and its receiving is against co-accused Sanjay Kumar Srivastava. The petitioner has been implicated only because said Sanjay Kumar Srivastava had handed over the said amount to the petitioner, whereafter, he was apprehended. The petitioner is a daily wage earner and extra computer operator in the said office of the Sub-Registrar. It has also been pointed out that charge sheet has already been submitted. It has further been submitted that co-accused Sanjay Kumar Srivastava has been allowed bail by an order of this Court passed in Cr. Misc. 19575 of 2020.

Mr. Anjani Kumar, learned Senior counsel for



opposite party no. 2, on the other hand has submitted that in the light of certain observations made by this Court, an application for cancellation of bail of co-accused Sanjay Kumar Srivastava has been filed.

I have noted that the petitioner is in custody since 12.02.2020. Be that as it may, considering the fact that charge sheet has been submitted and considering other attending circumstances, this application is allowed. It is however indicated that non-appearance of the petitioner before the Court below as and when required shall give opposite party no. 2, a cause of action to file an application for cancellation of bail.

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 Spl. Vigilance Court, Muzaffarpur in connection with Vigilance (Muzaffarpur) P.S. Case No. 05/2020/Special Case No. 8 of 2020.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-



(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

AKASH/-

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

