

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23785 of 2020

Arising Out of PS. Case No.-53 Year-2020 Thana- HARSIDHI District- East Champaran

1. GATI LAL SAH @ DINESH SAH Son of Kanchan Sah Resident of Village-
Laukariya, Under Gram Panchayat- Dhiwaadhar, Police Station- Harsiddhi,
District- East Champaran (Motihari)
2. Moti Lal Sah S/o Kanchan Sah Resident of Village- Laukariya, Under Gram
Panchayat- Dhiwaadhar, Police Station- Harsiddhi, District- East Champaran
(Motihari)
3. Dinesh Singh Son of Lakshman Singh Ward No-106, Resident of village-
Laaukariya, Under Gram Panchayat- Dhiwaadhar, Police Station- Harsidhi,
District- East Champaran (Motihari)

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE VIGILANCE DEPARTMENT,
GOVERNMENT OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh
For the Opposite Party/s	:	Mr. Mritunzay Kumar Gautam
For the Vigilance	:	Mr. Arvind Kumar Spl. PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-10-2020 As of now, the Courts have not resumed normal physical
hearing. The matter has been listed today for consideration
through Video Conferencing.

Learned counsel are appearing and making submissions
from their residence. The Court master and Secretary are also
part of this virtual Court proceedings with the aid of audio
visual technology.

Heard learned counsel for the petitioners, learned APP for
the State and learned Spl. PP for the Vigilance.



Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Harsiddhi P.S. Case no. 53 of 2020 instituted for the offence under Sections 7,13,13(D)(1) of the Prevention of Corruption Act, 1988 and Section 34 of the Indian Penal Code

A viral video regarding some illegal gratification being handed over to an Assistant Sub Inspector of Police forms the basis of the instant prosecution. The illegal gratification, as per the FIR, has been given by co-accused Birendra Kumar.

Learned counsel for petitioners' submits that there is no basis for the theory that the money was given by co-accused Birendra Kumar in connection with Harsiddhi P.S. Case No. 02 of 2020, where the petitioner nos. 1 and 2 were accused persons. Even as per the prosecution case, no illegal gratification has been handed over to the concerned A.S.I. Ramdev Prasad by any of the petitioners. The only criminal antecedents against petitioner nos. 1 and 2 is Harsiddhi P.S. Case no. 02 of 2020, which was lodged by their agnates based on land dispute.

In so far as petitioner no.3 is concerned, it is stated that he



is not even an accused in Harsiddhi P.S. Case no. 02 of 2020. The facts in totality indicated false implication without any cogent material/basis.

Mr. Arvind Kumar learned Spl. P.P. for the Vigilance and counsel for the State have opposed the prayer for anticipatory bail by submitting that the fact of illegal gratification being paid to the A.S.I. is corroborated by a video which was widely circulated. The petitioner nos. 1 and 2 are said to be beneficiaries of the transactions

Considering the aforesaid facts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance, North Bihar Muzaffarpur in connection with Special case no. 10 of 2020 arising out of Harsiddhi P.S. Case no. 53 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to



how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(iii) The petitioners will be under an obligation to cooperate with the investigation and make themselves available as and when required apart from ensuring their appearance on day to day basis at the trial.

(Madhuresh Prasad, J)

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