

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25136 of 2020

Arising Out of PS. Case No.-51 Year-2019 Thana- VIGILANCE District- Patna

SURENDRA KUMAR S/o Maheshwar Ram Resident of Village-Jhanjhpati,
P.S.-Khutauna, District-Madhubani. The then Yojna Sahayak (Clerk) Nagar
Panchayat Madhaura, District-Saran, Chapra.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Vigilance Department Bihar, Patna. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. B. N. Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 01-10-2020 Heard the learned counsel for the petitioner and the learned APP. No one appears on behalf of Vigilance department although several adjournments were taken at the instance of Vigilance department. Counter affidavit has been filed on behalf of Vigilance department on 25.09.2020.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Vigilance P.S. case No. 51/2019 registered u/s 7(a) of the Prevention of Corruption Act.

The informant alleged that Complainant is a contractor and he completed work of two schemes under Mukhyamantri Drinking Water Yojna, estimated cost of which was Rs. 21,67,568/-,



and when he informed the petitioner, Yojna Sahayak (Clerk), Nagar Panchayat Madhaura, about the completion of work, the petitioner is alleged to have demanded two percent of the total estimated cost of the scheme. The complainant paid Rs. 40,000/- to the petitioner and at the same time raid was conducted by the Vigilance department and recovery of Rs. 40,000/- was made from the possession of the petitioner.

The learned counsel for the petitioner submits that the complainant at the first instance stated that he paid Rs. 24,000/- but later on the complainant stated that he paid Rs. 40,000/-. The manner of raid is doubtful and the petitioner has been implicated in the case in the planted manner for recovery of money from his possession. It is further submitted that petitioner is in custody since 21.12.2019. The petitioner has already remained in jail for more than nine months. Charge sheet has already been submitted.

Taking into consideration the facts that, of course, the petitioner was caught red handed, while accepting bribe of Rs. 40,000/- from the contractor for payment of estimated cost after completion of work, but the petitioner has already remained in jail for more than nine months and the charge sheet has already been submitted, the petitioner, above named, is directed to be



enlarged on bail on his furnishing bail bond of Rs. 10,000/-
(rupees ten thousand) with two sureties of the like amount each
to the satisfaction of the learned Special Judge, Vigilance,
Muzaffarpur in connection with Vigilance P.S. case No. 51 of
2019.

(Prabhat Kumar Jha, J)

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