

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23896 of 2020

Arising Out of PS. Case No.-391 Year-2020 Thana- HAJIPUR District- Vaishali

VINOD RAM S/O Kunja Ram Resident of Ambedkar Colony, Pokhara
Mohalla, P.S. Town P.S. - Hazipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four week of resumption
of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner, the State and
Mr. Arvind Kumar, learned counsel for the Vigilance.

The petitioner is languishing in custody since
18.06.2020, in a case registered for the offences punishable



under Section 386 of the Indian Penal Code, 1860 and Sections 13(1)(D)(i)(ii)(iii) of the Prevention of Corruption Act, 1988.

The prosecution case, as per the written report of Mehit Ranjan, submitted to the S.H.O., Hajipur Town Police Station is to the effect that on 18.06.2020 at about 7.40 A.M., the informant was going to market when he was intercepted by the police since he was driving the motorcycle without wearing a helmet and subsequently, the motorcycle of the informant was brought in the police station where the key of the motorcycle was handed over to the petitioner, being the sweeper of the police station. It is alleged that co-accused Kapoor Chandra Prasad, being the police personnel demanded Rs. 1,000/- from the informant as fine when the informant withdrew Rs. 1,000/- from the A.T.M. and gave it to the petitioner and the petitioner handed over the same to co-accused Kapoor Chandra Prasad, but receipt of the same was given to the informant.

Learned counsel for the petitioner submits that accusation of demanding money has not been made against the petitioner and in fact, there was no occasion for the informant to give money to the petitioner, who was simply a sweeper in the police station. It is further submitted that the petitioner has now superannuated from service. A statement has been made in



paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the FIR reflects that the petitioner received illegal gratification.

Learned counsel for the Vigilance submits that the case has been registered and investigated by the State Police, but since the case is registered under the Prevention of Corruption Act, the matter is pending before the Special Judge, Vigilance, Muzaffarpur.

Considering the nature of accusation, period under custody and the fact that the investigation has already been concluded, the petitioner has superannuated from service and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned



Special Judge, Vigilance, Muzaffarpur, in connection with Hajipur Town P.S. Case No. 391 of 2020, Special Case No. 15 of 2020.

However, in view of the present pandemic COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Special Judge, Vigilance, Muzaffarpur, in connection with Hajipur Town P.S. Case No. 391 of 2020, Special Case No. 15 of 2020.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in



physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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