

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24662 of 2020

Arising Out of PS. Case No.-100 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

Vijay Kant Choudhary Son of Late Upendra Choudhary Resident of Village -
Basaitha, Police Station - Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-12-2020 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Laheriyasarai P.S. Case No.100 of 2020, registered under sections 420, 379, 506, 120B and 34 of the Indian Penal Code.

As per allegation in the F.I.R, on a news article having been published in the Hindi Daily Dainik Bhashkar with respect to the sting operation carried out in the office of the Bihar School Examination Board at Darbhanga, it is stated that an enquiry team was constituted which submitted its report, which forms part of the F.I.R. As per report of the enquiry team, it transpired that Rs.10,000/- each was being taken for



verification of the papers with respect to the selected candidates of Anganbari Sevika and Sahaika. A pen drive had been made available containing the sting operation. Besides the same there was no other evidence of transaction of money. It is further stated that from perusal of the CD it transpires that on the direction of the petitioner some person can be seen taking out and counting the money, however, at the time of handing over the money the face is not visible which may be for the reason that the person taking photograph/video focused on the money.

It is submitted by learned counsel for the petitioner that from reading of the allegation in the F.I.R. itself together with the contents of the enquiry report, there is not enough material to implicate the petitioner. It is further submitted that in course of investigation the statement of the witnesses were recorded and a number of persons in their statements under section 161 Cr.P.C. have stated that at no stage had there been any complaint of demand of illegal gratification by this petitioner. It is submitted that the petitioner is an aged employee in service of the Bihar School Examination Board and will cooperate in the investigation as and when required. He has no criminal antecedent.

The application for bail is opposed by learned APP



for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the materials that has transpired in course of investigation, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Laheriyasarai P.S. Case No.100 of 2020, he will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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