

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41115 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- VIGILANCE District- Patna

Neel Kamal, aged about 40 years (Male), Son of Sri Naresh Prasad Resident of R.M.S. Colony, Road No.1, Kankarbagh, Patna-20, P.S.- Kankarbagh, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Vigilance Investigation Bureau, North Bihar, Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Nilesh Kumar, Adv.
For the State	:	Mr. Satyavrat Verma, APP
For the Vigilance	:	Mr. Rana Vikram Singh, Spl. PP, Vigilance.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8. 03-03-2020 Heard learned counsel for the petitioner as well as learned Special P.P. for Vigilance Department.

2. The petitioner apprehends his arrest in Special Case No. 08/2019, arising out of Vigilance P.S. Case No. 09/2019, registered for the offence under Section 7(a) of the Prevention of Corruption Act, 1988 (for short "P.C. Act").

3. As per prosecution case, the petitioner was posted as B.D.O. in Bochaha block, Muzaffarpur and on 20-02-2019, he demanded a bribe of Rs. 50,000/- (fifty thousand) from the complainants, who were selected as beneficiaries under Pradhan Mantri Awas Yojna (Four thousand from each of the beneficiaries). The aforesaid matter was thoroughly verified by



the Inspector of Police, Vigilance Investigation Bureau and in course of verification, the conversation, recorded between complainant, one Manoj Ram, who is said to be an agent of petitioner, and the petitioner, was also verified by the S.H.O., Vigilance P.S., Patna and after verification, the allegation levelled against the petitioner was found true and thereafter, Vigilance P.S. Case No. 09/2019 under Section 7(a) of the P.C.Act was got registered against the petitioner.

4. It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case. In fact, one of the complainant Rangila Khatoon is herself an impersonator. During course of inquiry, it was found that the original allottee Rangila Khatoon is not residing in the concerned village and one Sabra Khatoon, wife of Md. Usman, in connivance with others by making interpolation, has tried to get the said benefit in the name of Rangila Khatoon and accordingly, the petitioner had lodged a case, vide Bochaha P.S. Case No. 151/2019 against her. It is further submitted that petitioner has never demanded any money from any of the complainants nor there is any conversation in between the petitioner and Rangila Khatoon, one of the complainants. Accordingly, it has been prayed to grant anticipatory bail to the petitioner.



5. However, learned counsel for Vigilance opposed the prayer for bail and submits that there is specific allegation against the petitioner of demand of bribe and he had demanded Rs. 4,000/- (four thousand) from each of the beneficiaries. It is further submitted on behalf of counsel for the Vigilance that in course of investigation also, the petitioner is not cooperating with the investigation and after investigation, Chargesheet No. 23/2019 was submitted against co-accused Pradeep Kumar under Section 7(a)/12 of the P.C.Act and supplementary investigation against the petitioner is going on.

6. In view of specific allegation against the petitioner of demand of bribe as well as the fact that petitioner is not cooperating in the investigation, I am not inclined to extend the privilege of anticipatory bail to him.

7. The anticipatory bail petition stands dismissed.

8. The interim order dated 16-11-2019 stands vacated.

(Prabhat Kumar Singh, J.)

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