

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56673 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BIHARSHARIF District- Nalanda

ANIL KUMAR Son of Nathun Ram Proprietor, Agrawal Sweets and Snacks,
Resident of Village- Shaluganj, P.S.- Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.

Mr.Vijay Anand

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Nawal Kishore Prasad, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Special Case No. 08 of 2019 arising out of Bihar P.S. Case No. 46 of 2019, for the offence punishable under Sections 188 of the Indian Penal Code and Section 7/10/13(2) of the P.C. Act.

The allegation, as per the written report of the informant, who happens to be the Chief Medical Officer, Nalanda, is that on 15.01.2019, a news was published in the local news-paper to the effect that one Shri Virendra Kumar,



Food Safety Officer, Biharsharif has been caught in the CCTV camera footage taking bribe from a shop-keeper of Agrawal sweets and Snax, Nawab Road, Pulpar, Biharsharif. It is further alleged that the Manager of Agrawal Sweets and Snax is stated to have filed an application on 15.01.2019 before the Marketing Officer alleging that the Food Safety Supply Officer has illegally taken a sum of Rs. 1500/- as bribe from him and Shri Anil Kumar (proprietor of Agrawal Sweets and Snax) has also signed the said application as witness. Thus, in nutshell the allegation is that the accused persons including the petitioner herein are stated to have bribed a public servant.

The learned Senior counsel Shri N.K. Agrawal appearing for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the Food Safety Supply Officer, Biharsharif namely Mr. Virendra Kumar, who is alleged to have accepted bribe from the petitioner has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.10.2019 passed in Cr. Misc. No. 33350 of 2019, in a case arising out of a separate police case/ FIR pertaining to the said incident in question. It is further submitted that the report of the three men Committee, constituted by the District Magistrate, would show that there is no



complicity of the petitioner herein.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned senior counsel appearing for the petitioner and taking into account the fact that the Food Safety Supply Officer, Bihar Sharif has already been granted anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance, Ist, Patna in connection with Bihar P.S. Case No. 46 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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