

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74540 of 2019

Arising Out of PS. Case No.-170 Year-2019 Thana- BHAGWANPUR District- Begusarai

Bijay Kumar Gupta Son of Purushotam Gupta Resident of Ward No.31, Patel
Chawk, Gandhi Nagar, Road, No.2, Miraganj, P.S.- Town, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Radha Mohan Singh, Advocate
For the Opposite Party : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 15-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State via video
conferencing.

The petitioner seeks pre-arrest bail in connection with
Bhagwanpur P. S. Case No.170 of 2019 registered under
Sections 420, 504 and 506 of the Indian Penal Code and Section
66(D) of the Information Technology Act.

Learned counsel for the petitioner contended that the
authenticity of audio and video clip has not been tested by any
expert. The entire case is based on a complaint made by local
MLA, who had himself provided audio and video clip. The
inquiry report of the Sub-divisional Magistrate is based on the
audio and video clip provided by local MLA. He did not inquire
into the matter himself. He has further contended that none of
the beneficiaries under the scheme came forward to say that the



petitioner had demanded or obtained any illegal gratification from them. He has further contended that as far as the petitioner is concerned, he is simply a co-ordinator and had no role to play in transfer of money in the account of beneficiaries under the Lohia Swachhata Bihar Abhiyan.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. He contended that there is specific allegation against the petitioner that being co-ordinator, he demanded and obtained illegal gratification from the beneficiaries and made delay in payment of amount to the beneficiaries under the scheme.

Considering the materials on record, in the event of arrest or surrender before the court below, the petitioner named above is directed to be released 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 learned Chief Judicial Magistrate, Begusarai in Bhagwanpur P. S. Case No.170 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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