

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76089 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- VIGILANCE District- Patna

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SUDHIR KUMAR Son of Late Arun Kumar Rai Resident of Village-
Jitwariya, P.S.-Kalyanpur, District-Samastipur, Posted as District Manager,
Bihar State Food Corporation, Sasaram, P.S.-Town, District-Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH DEPARTMENT OF VIGILANCE,
GOVERNMENT OF BIHAR, PATNA Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar

For the Opposite Party/s : Mr.Anjani Kumar ,L.O.Inc Vigilance ,Bihar ,Patna

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
CAV ORDER

9 24-06-2020 Heard learned counsel for the petitioner as well as

learned counsel for the vigilance through video conferencing.

Petitioner has been apprehended during course of
accepting bribe of Rs. 90,000/- by the trap team as, petitioner
was insisting upon to have the amount for releasing the amount
in favour of allegationist, Sujit Kumar, the sale proceed.

Learned counsel for the petitioner by way of referring
the judgments in the case of *Sanjay Chandra v. Central
Bureau of Investigation* reported in *AIR 2012 SC 830* as well
as in *P. Chidambaram v. Directorate of Enforcement* as
reported in *2020(1) PLJR 170 (SC)* which has been relied upon
by the learned Single Judge in Cr. Misc. No. 61740/2019, has
submitted that as charge-sheet has already been submitted and,
neither petitioner intends to nor occasion so survives to impress
upon the witness and in likewise manner, no occasion to



influence the investigation. Therefore, the principle so laid down by the Hon'ble Apex Court, more particularly, relating to *Chidambaram case*, in consonance with the period of custody since 21.08.2019, the petitioner is entitled for bail.

On the other hand, learned counsel for the Vigilance while resisting the submission having at the end of petitioner, has submitted that petitioner has become a cuss for the society as being a Government official, exploited his status instead of properly considering the request of the allegationist in accordance with law, compelled him to pay bribe for a rightful cause and that being so, should not be allowed bail as it will give a wrong message to the society.

Apart from this, it has also been submitted that in case of proper co-operation at the end of petitioner, prosecution will try to dispose of the trial at an earliest, more preferably within 8-9 months.

Considering the merit of the case in consonance with the principle so laid down by the Hon'ble Apex Court reported in *2020(1) PLJR 170 (SC)* coupled with the period of custody since 21.08.2019, petitioner, **SUDHIR KUMAR** is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the



satisfaction of *Special Judge, Vigilance- 1st Patna* in connection
with *Vigilance PS Case No. 36/2019*.

(Aditya Kumar Trivedi, J)

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