

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85037 of 2019

Arising Out of PS. Case No.-347 Year-2018 Thana- GOGRI District- Khagaria

Makru Hembram @ Makkrul Hembram@ Makrul Hembram Son of Late Bishu Hembram Resident of Village- Padsthapit Gogri, Police Station- Khagaria, District- Khagaria.

... .. Petitioner

Versus

The State Of Bihar Through Vigilance Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar

For the Opposite Party/s : Mr.Anil Singh, Special PP, Vigilance,

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2020 Heard learned Counsel for the petitioners and the learned Counsel for the Vigilance Department.

The petitioner seeks bail in Gogri PS Case No. 347 of 2018 registered under Sections 12 and 13 of the Prevention of Corruption Act.

The petitioner a Sub Inspector of Police has been apprehended on allegation of accepting illegal gratification. Petition's implication is merely on the basis of viral video clippings.

Counsel for the petitioner submits that the petitioner is in custody since 12.10.2018. Neither any pre-trap memorandum nor any post-trap memorandum was prepared. There is no recovery of any bribe amount from the petitioner. Other than video footage there is nothing to support the prosecution.

Learned Counsel for the Vigilance submits that the witnesses have supported the case of prosecution.

It is the specific assertion of the petitioner's Counsel that till date sanction for prosecution has not been granted and even cognizance has not been taken. The petitioner in the circumstances is in custody since 12.10.2018. The petitioner had earlier moved for



grant of bail vide Cr. Misc. No. 31529 of 2019. This Court had rejected the prayer with a direction to the trial court to take steps for early disposal of the case and preferably within three months from the date of receipt of the order. The last order rejecting the petitioner's prayer for bail is 19.6.2019.

In spite of the said order, as per averments made in the application, cognizance has not been taken by the Court.

Considering the aforesaid submissions, this Court is inclined to accept the petitioner's prayer for bail. The prayer is allowed.

Let the petitioner above named be released on bail on his furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance, Bhagalpur in Gogri PS Case No. 347 of 2018 on the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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