

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83067 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- C.B.I CASE District- Muzaffarpur

=====

ASHOK SINGH @ ASHOK KUMAR SINGH Son of Late Bhola Prasad
Singh Resident of Village- Baniya, P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Cabinet Vigilance, Govt. of Bihar, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Anil Kumar

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and the learned
counsel for the Vigilance Department.

The petitioner seeks bail in Special Case No. 27 of 2019 arising out of Vigilance (Patna) P.S. case no. 39 of 2019 instituted for the offence under Section(s) 7(a) of the Prevention of Corruption Act, 1988 (Amendment Act, 2018).

The petitioner, being an Investigating Officer (in short ‘IO’) of the instant case, was accused of accepting a bribe of Rs. Five thousand to help the complainant in the investigation arising out of Isuapur P. S. Case no. 169 of 2019 which was a counter blast to the Isuapur P.S. Case no. 168 of 2019. Petitioner was allegedly caught red handed.

It is submitted by petitioner’s counsel that upon his arrest,



he has been in custody since 20.09.2019. Other than three of the witnesses being the complainant and two independent witnesses, all are official witnesses. The charge -sheet has already been submitted. Investigation is complete and that prior to the instant case, there is no criminal antecedents of the petitioner. He further submits that it is a case of false implication at the behest of the rival parties in the two police cases referred to above.

Learned counsel for the Vigilance Department, on the other hand, submits that petitioner by not agreeing to give his voice sample is resorting to dilatory tactics and he is not entitled to be enlarged on bail for the present.

Having heard the parties, this Court is of the opinion that the petitioner would be under a duty to cooperate the prosecution and that he has to be represented in the case on every date. The effect of his non agreement to give his voice sample is an issue which is at the risk of the petitioner himself. This Court is inclined to allow the petitioner's prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance,



Muzaffarpur, in connection with Special Case No. 27 of 2019 arising out of Vigilance (Patna) P.S. case no. 39 of 2019, subject to 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 and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

