

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14164 of 2021**

Arising Out of PS. Case No.-17 Year-2020 Thana- VIGILANCE District- Patna

DHARMENDRA KUMAR S/O LATE KRISHNA KISHORE RESIDENT
OF SARISTABAD (EAST), P.S.-GARDANIBAGH, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE S.P. VIGILANCE, PATNA.
PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

Mr. Rakesh Kumar, Advocate

For the Vigilance : Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 10-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with Special Case no. 19 of 2020 (arising out of Vigilance P.S. Case no. 17 of 2020) registered under sections 7(a) of the Prevention of Corruption Act, 1988.

As per the prosecution case the informant who was posted as the Panchayat Rojgar Sevak in Panchayat Niyajipur under Block Simri in the District of Buxar got a total of 83 works done under the MANREGA Scheme during the period 2016-17 to 2019-20. The work was verified by the Programme Officer and he recommended for payment to the DDC, Buxar. An explanation was called for by the DDC from the informant in respect of allegations levelled against him and he submitted his reply on 25.7.2020 and also appeared personally before the



DDC, Buxar. It is stated that the DDC instructed him to meet Sri Dharmendra Kumar, Senior Accountant, DRDA, Buxar. On the informant meeting Sri Dharmendra Kumar, it is stated that the said Dharmendra Kumar asked him to pay a sum of Rs. 1 lacs and only then he would be exonerated from the charges. It is further stated that on filing of the complaint by the informant, a verification was got done by the SHO Vigilance P.S and on receipt of the verification report dated 26.8.2020 the FIR was instituted. It is further stated that thereafter a trap team was constituted under the Dy.S.P, Vigilance P.S consisting of seven other persons. The raiding team reached the house of accused Dharmendra Kumar on 27.8.2020 and in the trap conducted, Dharmendra Kumar was caught red handed accepting bribe money to the tune of Rs.50,000/-. Accordingly a post trap memo was prepared and the petitioner was taken into custody.

It is submitted by learned senior counsel appearing for the petitioner that the allegations as levelled against the petitioner are false and concocted. He has been falsely implicated in the case. No cash was recovered from him and no work of the complainant was pending before him. He was appointed as an Accountant in the office of the DDC on contract basis. It is submitted that the co-complainant on the complaint petition namely Siddheshwar Prasad Sharma, Junior Engineer is



also a seizure witness on the post trap memo. He is an interested witness. The petitioner has no criminal antecedent and is in custody since 27.8.2020.

The application for bail is opposed by learned counsel appearing for the Vigilance Investigation Bureau who submits that the petitioner was caught red handed accepting bribe of Rs. 50,000/-. The post trap memorandum was drawn up which was signed by the trap team members as also independent witnesses. Charge sheet has been submitted in the case under section 7(a) of the Prevention of Corruption Act, 1988. Sanction for prosecution has also been accorded by the competent authority i.e. DDC, Buxar vide letter no. 1486 dated 11.11.2020.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having been caught red handed accepting the bribe amount, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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