

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13968 of 2021

Arising Out of PS. Case No.-44 Year-2017 Thana- AGAMKUAN District- Patna

Manish Prasad @ Divyanshu S/O Sri Jagat Kishore Prasad R/O Village
Chintamanchak, P.S-Tharthari, District-Nalanda. Petitioner
Versus

1. The State Of Bihar Through Vigilance, Patna.
2. The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Vigilance : Mr.Rana Vikram Singh, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 420/34 and other ancillary sections of the Indian Penal Code and section 66B of the Information Technology Act and sections 7, 8, 9 and 13(i)(a)(d)(e) read with section 13(2) of the Prevention of Corruption Act, 1988.

As per the prosecution case, in the night of 3.2.2017 at about 10 pm a secret information was received to the effect that in Mohalla Kanti Factory road, in the house of one Dina Nath Singh two persons, namely, Pawan Kumar and Atul Ranjan Sinha are involved in getting the merit less candidates passed in the competitive examination of the Bihar State staff Selection Commission for their recruitment in the Government service by adopting corrupt and illegal means. Police raided the



place and arrested three accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner's name has figured during course of investigation in confessional statement of co-accused Nitesh @ Bhola who has already been allowed bail by a bench of this Court vide order passed in Cr.Misc.No. 53691 of 2017. Several other similarly situated co-accused have also been allowed bail by co-ordinate bench of this Court. Petitioner has claimed clean antecedent and he is in custody since 13.8.2018. Charge sheet has already been submitted as such custodial interrogation of the petitioner is not required in the case.

Mr. Rana Vikram Singh, learned counsel appearing for the Vigilance opposes the prayer for bail and submits that on analysis of details of the mobile data of the petitioner by the FSL it was found that the question paper of examination dated 29.1.2017 was sent to his mobile phone before the said examination and the petitioner was in regular touch with other accused persons of this case.

Considering the rival submissions of the parties, materials available on the record and the fact that charge sheet has already been submitted and the petitioner is in custody



since 13.8.2018 and several similarly situated co-accused have already been allowed bail by different benches of this Court and there is no likelihood of conclusion of the case in near future, let the petitioner, mentioned above, be enlarged 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 I, Civil Court, Patna in Special Case No. 11 of 2017/Agamkuan Police Station Case No. 44 of 2017 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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