

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32369 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- VIGILANCE District- Patna

Shankar Kumar Jha S/o Late Dinanath Jha Resident of Village- Kahra, P.S.-
Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Advocate
For the Opposite Party/s :	Mr. Arvind Kumar, Advocate
For the Opposite Party/s :	Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard learned senior counsel for the petitioner,

learned counsel for the Vigilance and learned counsel for the

informant.

The petitioner seeks regular bail in connection with

Special Vigilance Case No. 11 of 2020 arising out of Vigilance

P.S. Case No. 32 of 2020 instituted for the offence under Section

7(a) of the Prevention of Corruption Act.

Learned senior counsel for the petitioner submits that

the petitioner is in custody since 23.12.2020, charge-sheet has

been submitted in the case and he has got one antecedent under

Section 498(A) of the I.P.C. as mentioned in paragraph '3' of the

bail application.

Learned senior counsel for the petitioner submits that



from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that he runs a shop of agricultural items and was having licence of fertilizers, seeds and pesticides. The said licence was cancelled by the petitioner but on appeal, the licence was restored by order dated 26.11.2020. Further, that the petitioner, despite the order dated 26.11.2020, demanded Rs. 1,50,000/- for restoring the licence.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case for the reason that earlier he had filed Purnia Sadar P.S. Case No. 169 of 2020 against the informant and the licence of this informant was cancelled as he was indulging in black-marketing. Further, it is submitted that the allegation is of demand of money, as the money was not recovered from the personal possession of the petitioner. Learned senior counsel further submits that the petitioner is a government servant as such he will not abscond.

Shri Arvind Kumar, learned counsel for the Vigilance and learned counsel for the informant opposes the prayer for bail of the petitioner. Learned counsel for the informant submits that there is audio recording of the petitioner with the informant and it was based on that, that the present case came to be



instituted and further that on the table, the amount was kept which was recovered.

Learned senior counsel for the petitioner submits that it does not stand to reason that a person who seeks bribe will keep the money on the table from where it can easily be recovered and as far as audio recording is concerned, the same is subject to trial and to be proved in evidence.

Considering the fact that the petitioner is in custody since 23.12.2020 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, Vigilance, Bhagalpur in connection with Special Vigilance Case No. 11 of 2020 arising out of Vigilance P.S. Case No. 32 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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