

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33435 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- SOHSARAI District- Nalanda

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1. Diwakar Yadav @ Karu, aged about 23 years, male, Son of Sri Devendra Yadav Resident of Village- Baijwanpar, P.S.- Deep Nagar, District- Nalanda.
 2. Subodh Kumar @ Subodh Yadav, aged about 27 years, male, Son of Sri Basant Gope, Resident of Village- Bhimsen Bigha (Gunjer Chak), P.S.- Chandi, District- Nalanda.
 3. Suraj Kumar @ Suraj Yadav, aged about 23 years, male, Son of Late Kamlesh Gope, Resident of Village- Bahbalpur Giriyak, P.S.- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-09-2021 Heard Mr. Bhola Kumar, the learned Advocate for

the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Special Case No. 29 of 2020

arising out of Sohsarai P.S. Case No. 178 of 2020, dated



08.10.2020, instituted for the offences under Section 171(B) of the Indian Penal Code and Sections 7, 12 and 13(d) of the Prevention of Corruption Act.

The accusation in the F.I.R. is that the petitioners were seen chatting with a police officer and also handing over Rs. 14,000/- to him for allowing the truck loaded with sand to cross the barrier. This was seen on the social media in a WhatsApp audio-video clip.

It has been submitted on behalf of the petitioners that their identification in the aforesaid audio-video clip is highly doubtful. Apart from the aforesaid audio-video clip, which the informant had received on his WhatsApp, there is no other material to connect the petitioners with the offence. It has further been submitted that the petitioners are neither government servants nor were they present at the place which has been shown in the WhatsApp video. The basis for proceeding against the petitioners is the aforesaid video clip only.

Regard being had to such nature of accusation against the petitioners who have been identified on a



WhatsApp video image with the colour of their shirts, they, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No. 29 of 2020 arising out of Sohsarai P.S. Case No. 178 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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