

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27140 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- BATH District- Bhagalpur

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JAY JAY RAM YADAV @ JAY JAY RAM PRASAD YADAV Son of Late
Narayan Yadav, R/O Village Hira Tol, P.S. - Shahebpur kamal, Dist. Begusarai
at present posted as Sub Inspector of Police P.S. - Bath, Dist. - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE VIGILANCE DEPARTMENT
GOVERNMENT OF BIHAR, PATNA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. T.N. Thakur

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

13 14-12-2021 Heard the learned counsel for the petitioner as well as
the learned Special P.P. for the Vigilance.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

The petitioner apprehends his arrest in connection with
Bath P.S. Case No. 24 of 2020 registered for the offence
punishable under section 384 of the Indian Penal Code and
section 7 (a) of the Prevention of Corruption Amendment Act,
2018.

The petitioner, Jay Jay Ram Yadav @ Jay Jay Ram
Prasad Yadav is I.O. of Bath Police Station Case No. 22 of 2020



and the informant is Sub-Inspector of that police station.

The informant, as per FIR, came to know that a video is being made viral on the social media in which the petitioner is receiving bribe for writing favourable diary in favour of the accused persons. The informant recorded his self statement and registered the present case.

The learned counsel for the petitioner has submitted that the parameters of search, seizure and protection of electronic evidence have not been followed, as it has not been mentioned that from which source the clip was obtained. It has further been argued that the seizure list in respect of that soft copy, which contained the video clip, was not prepared. He has also submitted that from which source or platform he has obtained the video clip, has not been mentioned in the FIR.

On the other hand, the learned Special P.P. for the Vigilance has submitted that the clip was sent to the Forensic Science Laboratory and the report of Forensic Science Laboratory has been annexed, which is available on the record, which shows that the chain of custody has been maintained in producing the video clip to the Forensic Science Laboratory and the examination of exhibits conducted as per standard operating procedure. As such, as per the report of the Forensic Science



Laboratory, no doubt can be raised on the production or the authenticity of the clip.

Considering the above mentioned facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner and accordingly the prayer for bail is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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