

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31877 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- VIGILANCE District- Patna

Dharmendra Chauhan, son of Lalan Chauhan, resident of Village - Ghorahwa
(Ghodahawa), Police Station - Piprasi, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar through Vigilance, Bihar, Patna

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Baxi SRP Sinha, Sr. Advocate
		Mr. Arvind Kumar, Advocate
For the Opposite Party	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 20-01-2021 Heard Mr. Baxi SRP Sinha, learned senior counsel
appearing for the petitioner and Mr. Arvind Kumar, learned
Special Public Prosecutor for the vigilance.

The petitioner seeks bail in connection with Special
Case No14 of 2020 arising out of Vigilance (Patna) P.S. Case
No.10 of 2020 for the offence punishable under Sections 7(a)
and 7-A of the Prevention of Corruption Act.

As per the prosecution case, the petitioner, an agent
of Mukhiya was caught red handed while accepting Rs.8000/- as
illegal gratification for payment of a bill of Rs.1,46,350/- in
respect of two schemes completed by a ward member, namely,
Kismati Devi wife of the complainant Nand Lal Kohar.

Mr. Baxi SRP Sinha, learned senior counsel



appearing for the petitioner submitted that the allegation made in the FIR is against Mukhiya as it was he who had to release the amount for the completed work and it was he who had demanded the said money. There is nothing in the first information report to show that the petitioner was in any way acquainted with the demand of illegal gratification made by the concerned Mukhiya. The petitioner being a representative of Mukhiya neither had the capacity to demand any money nor he had demanded single farthing from the informant. Mere recovery of certain amount from the possession of the petitioner, in absence of demand, could not constitute an offence under Section 7(a) or 7-A of the Prevention of Corruption Act. Lastly, he contended that in any view of the matter, the petitioner is in custody since 10.06.2020 and the investigation is complete.

On the other hand, Mr. Arvind Kumar, learned counsel appearing for the vigilance opposed the application for grant of bail to the petitioner. He contended that there is another case also pending against the petitioner. He contended that the petitioner was working as an agent of the concerned Mukhiya and the offences alleged would be applicable against him.

Be that as it may, considering the facts and circumstances of the case, specially the period undergone by the



petitioner in custody and the investigation of the case having been completed, he is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance, Muzaffarpur in connection with Special Case No.14 of 2020 arising out of Vigilance(Patna) P.S. Case No.10 of 2020.

(Ashwani Kumar Singh, J)

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