

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32667 of 2020

Arising Out of PS. Case No.-203 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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Kapil Dev Pandey, Male, aged about 59 years, Son of Late Shiv Balak Pandey, Resident of Village - Batura, P.S.- Jamhor, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar through Vigilance

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate
For the State : Mr.Dilip Kumar No.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-01-2021 A supplementary affidavit has been filed on behalf of

the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Town P.S.

Case No. 203 of 2020 registered for the offences punishable

under Sections 384/34 of the Indian Penal Code and Section 7

of the Prevention of Corruption Act.

The prosecution case in brief is that one Pawan

Kumar lodged a written report addressed to officer-in-charge of

Town Police Station, Aurangabad stating therein, inter alia, that

on 24.06.2020 at about 7.45 P.M., his staff telephoned him that

near the over bridge the patrolling party of Town police station



is making inquiry about the Bolero Pick-Up vehicle. His staff disclosed that Pick-Up Van contains bags full of sesame seeds (til) and after purchasing from Hariharganj, he is bringing the same on which the driver of the patrolling party stated that his goods are not correct. On this, his staff requested the driver, Subodh Kumar, to allow him to go as his shop is in front of police station, on which the driver Subodh Kumar demanded Rs.25,000/- for allowing the vehicle to go. Aforesaid fact he learnt from his staff and thereafter, he himself went near over bridge and made enquiry from driver Subodh Kumar and a person sitting on the vehicle by the side of driver, i.e. Daroga Kapil Dev Pandey on which Kapil Dev Pandey stated to act as per the statement of driver otherwise he will have to face trouble and asked him not to phone anyone.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner has clean career and never been suspected in any offence. From perusal of the F.I.R., it is apparent that no payment was made to the petitioner, that the informant in his 164 statement has not stated about demand of money by the petitioner rather it was the co-accused driver. He further submits that the co-accused has been granted bail vide



order dated 19.01.2021 passed in Cr. Misc. No.32241 of 2020.

In supplementary affidavit, learned counsel for the petitioner submits that the departmental proceeding is started against the petitioner. Petitioner is in jail custody since 26.06.2020 and petitioner has got no any criminal antecedent mentioned in paragraph-3 of the bail petition.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance I, Patna in connection with Town P.S. Case No. 203 of 2020.

(Anjani Kumar Sharan, J)

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