

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32241 of 2020

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

Subodh Kumar, Male, age about-35 years, Son of Indal Yadav, Resident of
Village - Dihuri, P.S. - Goh, District – Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nivedita Nirvikar, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 19-01-2021

Heard Ms. Nivedita Nirvikar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Aurangabad Town PS Case No. 203 of 2020 dated 25.06.2020, instituted under Sections 384/34 of the Indian Penal Code and 7 of the Prevention of Corruption Act, 1988.

3. The allegation against the petitioner is that he received illegal gratification from a shopkeeper in lieu of overlooking recovery of some illegal item.

4. Learned counsel for the petitioner submitted that he is a constable driver of the local police station and was on patrolling duty along with a Sub-Inspector and though the allegation is that



he went to the informant and demanded Rs. 25,000/- and the officer also reiterated that what was being demanded by the petitioner was the amount to be paid by the informant, the circumstances do not support such allegation. It was submitted that as per the FIR, the demand was Rs. 25,000/-, but later on, the informant has stated that he had given only Rs. 17,000/- and when the petitioner returned to the police station, the Officer In-charge searched him and from his pocket, there was recovery of Rs. 16,600/-. Learned counsel submitted that if it is believed that the payment made was Rs. 17,000/- and the superior officer was in the jeep, then it cannot be expected that the superior officer would take only Rs. 400/- and rest Rs. 16,600/- would remain with the petitioner. Learned counsel submitted that the petitioner has a clean service record and no criminal antecedent and is in custody since 26.06.2020.

5. Learned APP submitted that there is recovery of Rs. 16,600/- from the pocket of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge



Vigilance-Ist , Patna in Aurangabad Town PS Case No. 203 of 2020 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. This order is subject to the main application supported by affidavit being *e* filed by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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