

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2668 of 2021

Arising Out of PS. Case No.-428 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

ANIL KUMAR Son of Chhavinath Ram @ Chavinath Ram Resident of Village - Cheharia, P.s.- Durgawati, Dist.- Kaimur. At Present Posted as Clerk Cum in Charge Head Clerk, Deputy Superintendent office, Sadar Hospital, Bhabua, P.S.- Bhabua, Dist.- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Bihar Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate
For the Vigilance : Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-04-2021 Heard Mr. Rajesh Kumar Mishra, learned counsel for the petitioner and Mr. Arvind Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Bhabhua P.S. Case No. 428 of 2020 (Special Case No. 15 of 2020) registered for the offences punishable under Sections 7, 7(A), 11 of the Prevention of Corruption Act, 1988.

The allegation against the petitioner as per the First Information Report is that he was caught red handed while accepting the bribe money of Rs.4,000/- from the complainant.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as



both, i.e. the complainant and the petitioner are working in the same office and the complainant is working as a peon whereas the petitioner is working as a Clerk. Learned counsel further submits that the complainant has made allegation that the petitioner demanded a sum of Rs.4,000/- as bribe for release of arrears of salary whereas the petitioner is not Drawing and Disbursing Officer.

Learned counsel also submits that at the time of trap by the local Police, the procedure established for trap has not been followed inasmuch as the complaint was not verified by the Police before preparation of pre-trap memorandum. Learned counsel also submits that no chemical substance of Phenolphthalein powder or its reaction with Sodium Carbonate was taken at the time of alleged recovery of the bribe money from the hands of the petitioner.

Learned counsel next submits that the charge sheet has already been submitted in the matter and petitioner is in custody since 8.7.2020.

On the other hand, learned counsel for the Vigilance opposed the prayer for bail and submits that the petitioner has been caught red handed by the local Police while accepting bribe money and, subsequently, the case was transferred to the



Vigilance Court.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 8.7.2020 and charge sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna, in connection with Bhabhua P.S. Case No. 428 of 2020 (Special Case No. 15 of 2020).

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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