

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7744 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- VIGILANCE District- Patna

SITA RAM YADAV Son of Late Kunji Lal Yadav Resident of Village- Guria,
P.O.- Yadupatti, P.S.- Shreenagar, District- Madhepura, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vigilance Department, Bihar, Patna, through S.P. Vigilance, Patna. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Singh, Sr. Advocate Mrs.Shama Sinha, Adv.
For the State	:	Mr.Satyendra Narayan Singh, APP
For the Vigilance	:	Mr.Arvind Kumar, (SPL.P.P., Vig.)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2021 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Spl. Case No.18 of 2020, arising out of Vigilance P.S. Case No.16/2020 registered for the offence punishable under Section 7(a) of Prevention of Corruption Act 1988 (amended 2018).

Allegation against the petitioner is that he being the A.S.I. has demanded Rs.100000/- as bribe from the complainant to



give a positive report in his favour in a verification work of the land of the complainant. It is alleged that Rs.30,000/- which was received from the complainant as bribe was recovered from left side pocket of the pant of the petitioner.

It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. The prosecution story is false and concocted. No such incident, as alleged in the F.I.R. has ever taken place. Petitioner had no independent role to give any report in favour or against the complainant or any other person. The documents of land were to be examined by the Circle Officer, Danapur and the petitioner was supposed to act on the directions/instructions of the Circle Officer, Danapur. Learned Senior Counsel further submits that the real matter of the fact is that one Ranjan Kumar impersonating himself to be adopted son of late Satish Kumar Sinha illegally gave land on lease of five years to Brijnandan Rai (khatal owner) vide lease deed dated 11.04.2017 (Annexure-3 to the bail application). That on 19.08.2017, Brijnandan Rai lodged complaint before Public Grievance Officer, Danapur against the police officials of Danapur, alleging that the officials of Danapur police station are trying to evict him from the said land forcefully. During hearing



of the said complaint, one Amrendra Kumar Sinha (brother and legal heir of Satish Kumar Sinha) appeared before the Public Grievance Officer, Danapur. It was placed on record that the complainant has no connection with the land in question and Ranjan Kumar is a fraudster. The hearing continued till 23.10.2017 wherein at no point of time the complainant claimed him to be owner of the land or beneficiary of the land rather Ranjan Kumar and Khatal owner claimed their right over the said land. The said miscellaneous proceedings were disposed with direction to the parties to approach the civil court for decision of title over the land. The post memorandum witness were not independent and natural witnesses. Witness Raju is also witness to the rent agreement between Ranjan Kumar and Brijnandan Rai (khatal owner) as well as in the false and fabricated sale deed between the complainant and Ranjan Kumar. The petitioner has no criminal antecedent and has been languishing in custody since 06.08.2020.

Learned APP for the State and learned counsel for the Vigilance opposed the prayer for bail and submits that the petitioner has been caught red handed in the presence of two independent witnesses with Rs.30,000/-, recovered from the left pocket of his pant. It is further submitted that petitioner is a



police officer and it is very much likely that, if released on bail, he will not only influence the witnesses but would also delay the trial of the case, on one pretext or the other.

Considering the facts and circumstances of this case and the period of custody of more than one year, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Vigilance, Patna, in connection with Spl. Case No.18 of 2020, arising out of Vigilance P.S. Case No.16/2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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