

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24528 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- VIGILANCE District- Patna

DR VIJAY KUMAR SINHA S/o Sri Uday Narayan Singh R/o village-
Bharthoo, P.S.- Ghosi, District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Vigilance Department Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Ritika Rani, Senior Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar, Spl. P.P.
	:	Mr. Madan Kumar, Advocate
	:	Mr. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-10-2022 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned Spl. P.P. for the

Vigilance.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 7(a) of
Prevention of Corruption Act.

The informant alleges that he was asked by the
petitioner to make an application to appoint him the Incharge
Medical Officer Primary Health Centre, Sikaria, Jehanabad and
also asked him to meet the office Clerk, Anil Kumar Singh, it is
next alleged that when the informant met Anil Kumar Singh he
demanded a bribe of Rs. 60,000/- but the informant refused to



meet his demand and made an application to the Regional Additional Director, Magadh Division, Gaya, bringing to his notice about the demand being made by the office Clerk of the petitioner. It is next alleged that Regional Additional Director, Magadh Division, Gaya issued a letter to the petitioner requesting him to appoint the complainant as Incharge Medical Officer, Sikaria PHC, it is next alleged that Anil Kumar Singh continued to demand the money despite-cum-specific directions, accordingly, the complainant made a complaint before the Vigilance, accordingly, Constable Manikant Singh was directed to verify the allegation. Thereafter, the allegation was found true and, accordingly, Anil Kumar Singh was trapped receiving Rs. 60,000/- as bribe.

Learned senior counsel Shri Dinu Kumar submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the entire allegation hinges around Anil Kumar Singh who was a Clerk in the office of the petitioner who was demanding Rs. 60,000/- for giving a posting to the complainant as Incharge PHC Sikaria on the ground that the bribe was being demanded by the petitioner. Learned senior counsel further submits that petitioner had never demanded any money as already there was a direction from his superior and further



draws the attention of the Court to page '32' of the anticipatory bail application to submit that one Dr. Shamim was already appointed as Incharge Medical Officer Primary Health Centre, Sikaria on 28.09.2019 itself, as such the petitioner could not have been given the said post, it is thus submitted that the complainant for some ulterior reasons tried to falsely implicate the petitioner by alleging that his Clerk was demanding bribe on his behalf. Learned senior counsel next submits that petitioner was the Civil Surgeon of Jehanabad and now he is a retired man, admittedly, the bribe amount was not recovered from his possession rather the same was recovered from the possession of Anil Kumar Singh as alleged, it is next submitted that at best the allegation against the petitioner is of demand of bribe through Anil Kumar Singh, it is also submitted that in the event, if the petitioner in trial is acquitted how his period of incarceration would be compensated and in the event if he is indicted in trial he will serve the sentence.

Learned Spl. P.P. for the Vigilance submits that initially the petitioner was not cooperating in the investigation but after order dated 21.06.2022 he came and gave his voice sample but the report with regard to the same till date has not been received on which the learned senior counsel submits that



he is sanguine that in the FSL report, the voice would not be found to be that of the petitioner but even otherwise if something comes against the petitioner in the FSL then also the same has to be proved in a duly constituted trial.

Learned counsel for the informant opposes the bail application but is not in a position to rebut the submission of the learned senior counsel for the petitioner that the bribe was being demanded through Anil Kumar Singh at the behest of the petitioner, the learned counsel for the informant next submits that one Santosh Kumar Bhatt, a Clerk of Primary Health Centre, Sikaria, Jehanabad has stated that it was the petitioner who was demanding the bribe for posting the informant at the desired place. Learned senior counsel submits that it absolutely does not stand to reason that as to why Vigilance has not arrested Santosh Kumar Bhatt when he had the knowledge of the fact that petitioner was demanding bribe for posting the informant at the desired place but still he chose to remain silent, this in itself demonstrates that he was also a part of the conspiracy with Anil Kumar Singh and thus implicated the petitioner. The Additional Director General Vigilance is directed to ensure that Santosh Kumar Bhatt is also investigated properly as to why he concealed this information from the Vigilance



when he was aware that bribe was being demanded.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Vigilance P.S. Case No. 11 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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