

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3147 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- C.B.I CASE District- Muzaffarpur

Sadre Alam Son Of Md. Shamsul Haque Resident Of Village- Bagaha Tola
Nagarwara, P.S.- Ghorasahan, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Arvind Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 20-05-2022 The applicant is accused in Special Case No.30 of 2021, arising out of Vigilance (Patna) Case No.40 of 2021, for the offence punishable under Section 7(a) of the Prevention of Corruption Act, 2018. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

The learned counsel appearing for the applicant argued that according to the prosecution case illegal gratification amounting to rupees ten thousand was demanded from the complainant for not implicating her son in Ahiypur P.S. Case No.342 of 2021. It is further argued that after



completion of investigation the charge sheet has been filed.

The learned Prosecutor appearing for the Vigilance Department vehemently argued that the conduct of the present applicant needs to be noted and despite directions of the Special Judge, he refused in writing to give his voice sample. It is further argued that the applicant was caught red handed while accepting the illegal gratification.

I have considered the submissions so advanced and also perused the materials placed before me.

On the basis of complaint lodged by Tabassum Ara regarding demand of illegal gratification by the present applicant, the present applicant was caught red handed while accepting bribe of rupees ten thousand for doing official favour in not implicating Md. Azad in Crime No.342 of 2021.

As the investigation of the subject crime is over, further pretrial detention of the applicant is not warranted. Hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Special Case No.30 of 2021, arising out of Vigilance (Patna) Case No.40 of 2021, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the



satisfaction of the trial court with the following conditions: -

(I) As a condition of this order the applicant should attend the Patna Vigilance Police Station on every first and third Saturday in between 11:00 AM to 2:00 PM.

(II) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(III) The applicant/accused should cooperate the learned Special Court in expeditious disposal of the trial against him and two absence from the Court without sufficient cause shall entail the consequence of cancellation of bail granted to the applicant and the Special Judge shall issue non-bailable warrant and take the applicant in custody.

(IV) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(V) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at



liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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