

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7358 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- C.B.I CASE District- Muzaffarpur

SUBHASH CHANDRA RAM @ SUBASH CHANDRA S/o Late Sheoshankar Ram Resident of Village- Sihpur, P.S.- Phephna, District- Baliya (U.P.) At present posted as A.S.I. of Deodha Police Station, Madhubani, District- Madhubani (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar Through The Superintendent Of Police,Vigilance Investigatiton Bureau,Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate.
For the Vigilance : Mr. Arvind Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Bachan Jee Ojha, learned counsel for the petitioner as well as Mr. Arvind Kumar, learned counsel for the Vigilance.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Vigilance (Patna) P. S. Case No. 43 of 2021 giving rise to Special Case No. 33 of 2021 registered for the offences punishable under Sections 7(a)(c)/12 of the Prevention of Corruption Act, 1988 (Amendment-2018) and



Section 120(B) of the Indian Penal Code.

As per the prosecution case, it is alleged that while the petitioner was working as Assistant Sub-Inspector in Deodha Police Station, he along with a Choukidar of Deodha Police Station in collusion with each other demanded Rs. 30,000/- from the accused persons of Deodha Police Station Case No. 110 of 2021 with an assurance to finalize the case. It is further alleged that co-accused Ramprit Paswan, the Chaukidar of the said police station was caught red handed while he was taking Rs. 26,000/- as bribe by duly constituted trap team.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the petitioner was not the SHO of Deodha Police Station rather he was ASI posted there. It is next submitted that so far the alleged acceptance of the bribe is concerned, the same has been attributed against co-accused Ramprit Paswan and so far the allegation against the petitioner that he made the demand of the bribe has not been supported by cogent material. It is further submitted that co-accused Ramprit Paswan, who has caught red handed while taking bribe, he has been granted bail by this Court in Cr. Misc. No. 11059 of 2022. It is also submitted that there are other irregularities in the preparation of pre-trap memorandum and moreover, the



investigation of the crime is already completed and the charge sheet has been submitted. Learned counsel for the petitioner last submits that the petitioner happens to be a Government official and he is ready to give undertaking that he will remain present wherever his need would arise and even at the time of framing of the charge in as much as he is custody since 30.10.2021, having fair antecedent.

On the other hand, learned counsel for the Vigilance vehemently opposes the bail application and submits that it is the petitioner on whose behest the co-accused has demanded and accepted the bribe of Rs. 26,000/- and there are ample materials, which suggest the involvement of the petitioner. It is also submitted that even the conversation of the petitioner with others has been recovered at the time of verification and after having found prima facie material, the charge sheet has been submitted. It is lastly submitted that till date the charge has not been framed and if the petitioner would be released on bail, further difficulty would come in framing of charge, which would cause delay in disposal of the trial.

Having considered the submissions made on behalf of the parties and taking into account the fact that the co-accused person, who was caught red handed by the officials of



the Vigilance has already been granted bail by this court and the petitioner having clean antecedent is a Government official and he is in custody since 30.10.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance, Muzaffarpur in connection with Vigilance (Patna) P. S. Case No. 43 of 2021 giving rise to Special Case No. 33 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner and the petitioner will extend his co-operation at the time of framing of charge as also till the conclusion of the trial.

(Harish Kumar, J)

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