

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7384 of 2022

Arising Out of PS. Case No.-554 Year-2021 Thana- HARNAUT District- Nalanda

MINTU KUMAR SON OF RAMADHIN PASWAN RESIDENT OF
VILLAGE- MIRDHACHAK, P.S- HARNAUT, DIST- NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE STATE OF BIHAR THROUGH VIGILANCE BEUREU OF INVESTIGATION BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Ashok Kumar, Adv.
For the State	:	Mr. Ram Naresh Ray, APP
For the Vigilance	:	Mr. Rana Vikram Singh, Special PP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-08-2022 The present matter has been taken up for hearing as the same has been listed under the heading “To Be Mentioned”.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned senior counsel for the petitioner, learned APP for the State and learned counsel for the Vigilance.

The petitioner seeks bail in connection with Special Case No. 52 of 2021 arising out of Harnaut Nalanda P.S. Case No. 554 of 2021 registered for the offences punishable under Section 7 (a) (A) of the Prevention of Corruption Act, 1988.

As per prosecution case, there is accusation against the petitioner to make demand of Rs. 12,000/- on the instruction



of co-accused Chandrasekhar Jha for giving favour to the accused Shailesh Kumar in excise case, failing which his house would be sealed.

Learned senior counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 23.11.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that the FIR itself shows that petitioner made demand of bribe from Shailesh Kumar on the instruction of co-accused Chandrasekhar Sah who was the I.O. of Harnaut P.S. Case No. 553 of 2021. Petitioner is not a government employee and hence Section 7(a)(A) of Prevention of Corruption Act is not applied. He further submits that father of petitioner is Chowkidar. There is no specific allegation against the petitioner. Nothing has been recovered from the possession of the petitioner.

The learned counsel for the Vigilance as well as learned APP for the State vehemently opposed the prayer for bail of the petitioner.

The trial court has sent its report vide letter no. 279. The trial court reported that charge has already been framed



against the petitioner Mintu Kumar on 28.02.2022 and his case record is running at the stage of prosecution evidence.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence, charge has already been framed against the petitioner, as reported by the trial court and also taking into consideration the material available on record, 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, Patna in connection with Special Case No. 52 of 2021 arising out of Harnaut P.S. Case No. 554 of 2021, subject to following conditions:-

(i) One of the bailors shall be wife of the petitioner or the person who has sworn the affidavit in bail application, in case petitioner is unmarried.

(ii) Petitioner shall remain present on each and every dates of trial in the learned court below, failing which the bail bond shall automatically stand cancelled.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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