

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8738 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- VIGILANCE District- Patna

RAJ KRISHNA @ PINTU S/o Late Ramji Prasad Rai R/o Village - Gara, P.S.
- Kochas, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.P.N. Shahi, Sr. Adv.
	:	Mr.Hemant Kumar, Adv.
For the Opposite Party/s	:	Mr.Arvind Kumar (Vigilance)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 26-07-2022 The present matter has been listed under the heading :

To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

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 and
learned counsel for the Vigilance for the State.

The petitioner seeks bail in connection with Special
Case No.57/2021 arising out of Vigilance P.S. Case No. 49/2021
registered for the offences punishable under Sections 7 (a) of the
P.C. Act, 1988 (as amended in 2018).

As per prosecution case, there is accusation against
the petitioner that he demanded Rs.20,000/- as illegal



gratification for doing work in question from the complainant and upon the request of complainant, the petitioner directed to pay Rs.10,000/- as illegal gratification. It is further alleged that a trap team was constituted and the said team reached from the place of occurrence where petitioner was caught red handed and amount in question was also recovered from the petitioner.

Learned senior counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The work of the complainant has already been completed on 26.11.2021 and on particular date on 27.11.2021 he was on leave as mentioned in Annexure-2 of the bail petition. The petitioner is languishing in custody since 08.11.2021 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Learned senior counsel for the petitioner has filed supplementary affidavit mentioning therein that charge has already been framed vide order dated 31.05.2022.

The learned counsel for the Vigilance vehemently opposes the prayer for bail of the petitioner.

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 as submitted through supplementary affidavit 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.57/2021 arising out of Vigilance P.S. Case No. 49/2021, subject to following conditions:-

(i) One of the bailors shall be wife of the petitioner who has sworn the affidavit in bail application.

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