

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7803 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- VIGILANCE District- Patna

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NIRAJ KUMAR @ NEERAJ KUMAR Son of Late Baliram Prasad
Permanent resident of Purani Bazar, Lakhraw Ward No.- 01, P.O. and P.S.-
Maharajganj, District- Siwan, at present, Junior Engineer Electricity Office,
Begusarai, District - Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Station House Officer, Special Vigilance Unit Police Station-5, Daroga
Rai Path. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr.Adv. Mr. Manish Kumar No. 13 Mr. Rohit Kumar
For the Opposite Party/s :		Mr.Arvind Kumar Ms.Archana Palkar Khopde

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-05-2022 Heard learned counsel for the parties.

The petitioner seeks bail in Vigilance P.S. Case No. 50
of 2021, giving rise to Special Vigilance Case No. 23 of 2021,
registered for the offence under Section 7(a) of the Prevention
of Corruption Act, 1988.

As per the prosecution case, this petitioner was
caught red-handed while accepting an illegal gratification of Rs.
25,000/- (Rupees twenty five thousand).

It is submitted on behalf of petitioner that as a matter
of fact, petitioner in the capacity of Junior Engineer had lodged
an F.I.R. against father of informant and others for causing loss
to the power company to the turn of Rs. 91,622/- under Section



135 of the Electricity Act, vide Nayagaon P.S. Case No. 51 of 2021 (Annexure 2). It is next submitted that petitioner under an impression that informant is depositing 50% i.e. Rs. 25,000/- of the final amount of assessment of penalty i.e. Rs. 50,000/- handed over the notes which has been recovered from the petitioner. It is further submitted that there is no allegation against petitioner of tampering with the evidence or non-cooperation during investigation and he is in custody since 09.12.2021.

However, learned counsel for the Vigilance Department vehemently opposed prayer for the prayer for bail and submitted that petitioner was caught red-handed while accepting the bribe of Rs. 25,000/- by the trap team.

Considering the aforesaid facts and circumstances as well as nature of allegation, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected. However, the learned trial court is directed to release the petitioner on bail to its own satisfaction, **after framing of the charge.**

(Prabhat Kumar Singh, J)

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