

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8989 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- VIGILANCE District- Patna

Jagdish Ram Son of Late Moti Lal Ram Resident of Village - Purendrapur,
P.s.- Goriyakothi, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Director General, Vigilance investigation Bureau, Vigilance
Depatt., Govt. of Bihar, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Shyamal Prakash, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP
For the VIB	:	Mr. Anil Singh, Advocate
	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-06-2022 Heard learned senior counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of the

State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Vigilance
(Patna) Case No. 42 of 2021 registered for the offence under
Sections 7 (a), 7 (A) and 12 of Prevention of Corruption Act,
1988 (Amended, 2018) and Section 120 (B) of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in



custody since 03.10.2021.

The allegation against the petitioner, who is a revenue karmchari, is to accept bribe of Rs.12,000/- (Rupees Twelve Thousand) through a private person, who is also one of the co-accused in the present case, namely, Aman Singh.

Learned senior counsel appearing on behalf of the petitioner submitted that the chargesheet has been submitted in this case without obtaining the forensic science report, as regard to chemical analysis of currency involved in the transaction of alleged bribe. While arguing over the matter, it has further been submitted that the telephonic conversation as available on the record, between the complainant, petitioner and co-accused, nowhere reveals that there is any demand or acceptance of bribe on the part of the petitioner to satisfy the ingredient of Section 7 (a) of Prevention of corruption Act. It has further been submitted that the entire process of seizure is disputed for the reason that the alleged currency has been seized at Chanpatia, Chapra but memorandum of the seizure was prepared in the district of Motihari. While concluding the argument, it has also been submitted that the petitioner is involved in three criminal cases, as per supplementary affidavit of this effect and out of three cases, petitioner is on bail in two cases.



Learned APP appearing on behalf of the State and learned Special P.P. appearing on behalf of the Vigilance Investigation Bureau submitted that the petitioner is a man of antecedent, involved in similar nature of offence but fairly conceded that the chargesheet has been submitted without obtaining the forensic science/chemical analysis report, as regard to seized currency, alleged to be involved in bribe.

Considering the facts and circumstances as mentioned above, as the telephone conversation available on record is not suggesting the element of demand and acceptance of bribe by the petitioner coupled with the fact that chargesheet has been submitted without obtaining the forensic report, let the petitioner, above named, is directed to be released on bail in connection with Vigilance (Patna) Case No. 42 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Muzaffarpur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the



Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Sunil Kumar Ram, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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