

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9827 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- C.B.I CASE District- Muzaffarpur

SHIVNANDAN @ SHIVNANDAN YADAV Son of Late Ramsharasth Yadav
Resident of Village - Dadarwara, P.s.- Baheri, Distt.- Darbhanga at Present
Ranipur Navtolia, P.s.- Sadar, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Prasad, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP
For the Vigilance	:	Mr. Arvind Kumar, Spl. P.P./Vigilance

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 22 of 2021, arising out of Vigilance P.S. Case
No. 33 of 2021 instituted for the offences under Sections 7(a),
7A and 12 of the Prevention of Corruption Act, 1988 and Sec-
tion 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 28.08.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
prosecution case finds on the basis of a complaint filed by one
Ramprabodh Chaudhary, who alleged that he had made online



application for mutation on 07.07.2021 for land purchased through sale deed one in the name of his wife and another in his own name. He further alleged that after making the application, he met the *Karmchari* Ramprasad and Assistant Shivrindan who used to sit in the *Karmachari bhawan* and told him to pay Rs. 10,000/- to get the mutation done. He further averred that he did not want to pay the bribe and hence requested for action. On the basis of this complaint, a verifier namely constable Mohan Kumar went to verify the correctness of the complaint and he reported that the complaint was allegedly correct and there had been a demand of bribe and the bribe was allegedly correct and the bribe was allegedly demanded by the co-accused Nandan and upon some haggling the amount of bribe agreed upon was Rs. 5,000/-. Thereafter, on the verification report, a formal F.I.R. bearing Vigilance P.S. Case No. 33 of 2021 was registered against the petitioner and the co-accused.

Learned counsel for the petitioner submits that the entire allegation against the petitioner is false and baseless and the petitioner has been wrongly implicated on the basis of mistaken identity. It is further submitted by the learned counsel for the petitioner that it is apparent from the receipt of mutation application itself that the petition for mutation was filed on



21.07.2021 and not on 07.07.2021 as alleged and the complainant had been insisting upon out of turn work and on account of the pandemic situation existing immediately after during the recovery from the second wave of the pandemic the work had been affected and it was not possible to provide any preferential treatment to the complainant.

Further, it is submitted that the Circle Officer is the competent authority to issue any orders to take further steps towards mutation of land which the petitioner being subordinate to such Circle Officer is bound to comply and in the present case no order was passed by the Circle Officer. Petitioner is the Personal Assistant of the *Karmchari* of the said Block. It is further submitted that the complainant filed a complaint alleging demand of bribe.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 28.08.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned



Special Judge, Nigrani, Muzaffarpur in connection with Nigrani
P.S. Case No. 33 of 2021, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(Khatim Reza, J)

Ranjeet/-

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