

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11059 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- C.B.I CASE District- Muzaffarpur

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Ramprit Paswan S/O Late Parmeshwar Paswan R/o village- Inarwa Gote,
P.S.- Deodha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate

For the Vigilance : Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mrs. Vaishnavi Singh, learned counsel for the petitioner and learned counsel for the Vigilance.

The petitioner seeks regular bail, who is in custody in connection with Vigilance P.S. Case No. 43 of 2021 for the offences punishable under Sections 7(a)(c) and 12 of the Prevention of Corruption Act, 1988 (Amended 2018) read with Section 120(B) of the Indian Penal Code.

As per prosecution case, it is alleged that while the petitioner was working as Chowkidar of Deodha police station, he along with ASI, Subhash Chandra Ram in collusion with each other demanded Rs.30,000/- from accused persons of



Deodha P.S. Case No. 110 of 2021 with the assurance to finalize the case and this petitioner was caught red-handed, while accepting Rs.26,000/- as bribe, by duly constituted trap team.

It is submitted by the learned counsel appearing on behalf of the petitioner that admittedly from the perusal of the F.I.R. it is evident that the demand of bribe has been made by ASI Subhash Chandra Ram of Deodha police station, and the petitioner being Chowkidar is nothing to do with the finalization of the case. It is also submitted that the only allegation against the petitioner is that he accepted the bribe money at the behest of the co-accused, ASI Subhash Chandra Ram and further get the demand reduced from Rs.30,000/- to Rs.26,000/-. It is next submitted that there are other irregularities in the preparation of Pre trap memorandum, as at one place the date of Pre trap has been mentioned on 28.10.2021, whereas some of the witnesses have put their signatures by giving the date on 29.10.2021. It is lastly submitted that the investigation of the crime is already completed and the charge sheet has been submitted and moreover, this petitioner is in custody since 30.10.2021.

On the other hand, learned counsel for the Vigilance opposes the bail application and submits that there are ample materials on record, which suggests the complicity of the



petitioner, and he was caught red handed while accepting bribe of Rs.26,000/-. It is further submitted that till date the charge has not been framed and if the petitioner would be released on bail further difficulty would come in framing of charge and which would cause the delay in disposal of trial.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that prima-facie the allegation of demand of bribe is leveled against co-accused person and the petitioner accepted the bribe at the behest of co-accused ASI Subhash Chandra Ram, and further the investigation of the crime is already completed and he is in custody since 30.10.2021 having clean antecedent, let the petitioner, named above, be released, on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Muzaffarpur in connection with Vigilance (Patna) P.S. Case No. 43 of 2021 (Special Case No. 33 of 2021) subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) It is needless to say that the petitioners will ensure his presence and extend all his cooperation at the time of framing of charge, failing which the state/vigilance would be at liberty to file an application for cancellation of his bail.

(Harish Kumar, J)

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