

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14821 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- C.B.I CASE District- Muzaffarpur

SANTOSH KUMAR SON OF LATE SHIVJI PODDAR R/O VILLAGE
-GAURA, P.S.- TEGHRA, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

THE VIGILANCE BUREAU, STATE OF BIHAR, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Arvind Kumar (Spl. P.P. Vigilance)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 18-08-2022 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 counsel for the petitioner and learned
counsel for the Vigilance for the State.

The petitioner seeks bail in connection with Special Case
No.36/2021 arising out of Vigilance (Patna) P.S. Case No. 46/2021
registered for the offences punishable under Sections 7 (a) of the
Prevention of Corruption Act, 1988.

As per prosecution case, there is accusation against the
petitioner that he demanded Rs.20,000/- as illegal gratification for
doing work in question in favour of complainant’s sister and upon the
request of complainant, the petitioner directed to pay Rs.20,000/- 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 counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner has neither demanded bribe nor accepted the same rather the Vigilance team arrested him without disclosing any reason of his arrest and thereafter showed a false recovery by proving seizure memo forcefully. The petitioner is languishing in custody since 24.11.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned Spl. P.P. for the Vigilance vehemently opposed the prayer for bail of the petitioner.

From perusal of the report of I/C learned Special Court, Vigilance, Muzaffarpur it is evident that the cognizance has been taken on 06.06.2022.

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, cognizance has already been taken on 06.06.2022 as evident from the report of I/C learned Special Court, Vigilance, Muzaffarpur 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, Muzaffarpur in connection with Special Case No.36/2021 arising out of Vigilance (Patna) P.S. Case No. 46/2021, 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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