

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13434 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- VIGILANCE District- Patna

RAJESH KUMAR S/o Late Arun Kumar Gupta R/o Mohalla Rampur  
Vhikhari, Nilam Cinema Road, P.S. - Kotwali, District - Munger Presently  
residing at Flat No. A2, 109 Nutan Tower, P.S. - Kankarbagh, Dist. - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                                                                                          |
|--------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Y.V. Giri, Sr. Adv.<br>Mr. Hemant Kumar, Adv.<br>Mr. Sumit Kumar Jha, Adv.<br>Mr. Sumit Kumar, Adv.<br>Mr. Ashutosh Kr. Upadhyay, Adv.<br>Mr. Arvind Kumar, S.I.P.P. |
| For the Opposite Party/s | : |                                                                                                                                                                          |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

5      03-08-2022                      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 S.I.P.P. for the State.

The petitioner seeks bail in connection with  
Special Case No. 67 of 2021 arising out of Vigilance P.S. Case  
No. 57 of 2021 registered for the offences punishable under  
Section 7(a) of the P.C. Act, 1988 (as amended in 2018).

As per prosecution case, there is accusation against  
the petitioner is that he demanded eight lacs illegal gratification  
for releasing the bill of 80 lacs in question and complainant was  
not ready to make payment of single penny. It is further alleged



that trap team was constituted and the said team reached to the place of occurrence where the petitioner was caught red handed and alleged amount in question was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 29.12.2021. Petitioner is also an accused in Vigilance P.S. Case No. 02/2022 which is instituted on the basis of search and seizure of present case as DA Case. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the alleged bill has already been paid prior to 24.12.2021 and the amount of Rs. 15,13,592/- is credited in the account of complainant till 27.12.2021. As such altogether 78,67,467/- is credited in the account of the complainant. The above assertion of complainant is completely false as the complainant has received almost payment with regard to the M.B. numbers mentioned in the complaint in his account much prior to 24.12.2021.

The learned counsel on behalf of vigilance vehemently opposes the prayer for bail of the petitioner as the petitioner has caught red handed and alleged recovery has made from his possession.



Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, report of learned special court has clearly indicated that charge has already been framed and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Spl. Case No. 67 of 2021 arising out of Vigilance P.S. Case No. 57 of 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 trial court, 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)**

amitkr/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

