

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14658 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- VIGILANCE District- Patna

Sanjay Kumar Singh Son of Late Prabhu Narayan Singh Resident of village -
Alauli, P.S.- Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate.

For the Opposite Party/s : Mr. Arvind Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 31-08-2022 Let the defects, as pointed out by the Office, be
removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned
counsel for the Vigilance, State of Bihar.

Petitioner seeks regular bail in connection with
Special Case No. 36 of 2021 arising out of Vigilance P.S. Case
No. 46 of 2021 lodged under Section 7(a) of the Prevention of
Corruption Act, 1988 (Amended 2018).

As per the prosecution the present accused, who was
S.H.O., Mathurapur O.P., Samastipur had demanded Rs.10,000/-
from complainant's sister for giving favourable report and
restoring possession on her land. In order to verify the
allegation, an Officer of Vigilance Investigation Bureau, Patna
alongwith complainant met with accused/ petitioner in his

chamber where he increased his demand from Rs.10,000/- to Rs.25,000/- as bribe money. Such conversation was secretly recorded in device provided by the S.H.O., Vigilance Investigation Bureau, Patna. On the basis of complaint and vigilance report the present Vigilance Case No. 46 of 2021 was lodged against two persons the petitioner and other co-accused Circle Officer, Santosh Kumar. Two Trap Teams were constituted, Trap Team-1 visited in the chamber of petitioner alongwith, the complainant. Complainant/verifier verified that Rs.25,000/- of the bribe money was handed over to the petitioner which he kept the same in the right pocket of his full pant. Upon signal, the officials of Vigilance has caught his hand and right pocket of the petitioner was turned pink when put into solution of sodium carbonate, the exhibits have been sent to F.S.L., Patna. After investigation, charge sheet was also submitted against both the accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that he is victim in this case. He further submits that everything has been done forcefully. He further submits that petitioner is in custody since 24.11.2021, charge sheet has already been filed in this case and petitioner having clean

antecedent. He further submits that there are in total 2 accused persons in this case, another co-accused has already been granted bail by the Co-ordinate Bench of this Court vide order dated 18.08.2022 passed in Cr. Misc. No. 14821 of 2022.

Learned counsel for the Vigilance vehemently opposes the prayer for bail and submits that charge sheet has been filed in this case, sanction for prosecution against the present petitioner has also been accorded by the I.G., Police, Mithila Range, Darbhanga vide its Memo No. 618 dated 11.02.2022. He further submits that there are sufficient material available in the case diary to prove his guilt. He further submits that if bail shall be granted to the petitioner, he will start influence the witnesses and shall behave in such a manner so that charge may not be framed against him.

In the present facts and circumstances of the case and the submissions made above and with a view to maintain the parity, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty 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 of 2021 arising out of Vigilance Patna P.S. Case No. 46 of 2021, subject to the conditions as laid down

under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--