

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18776 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- VIGILANCE District- Patna

BIRENDRA PASWAN Son of Ram Sundar Paswan Resident of Village -
Srirampur, P.S.- Raj Nagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through the Vigilance Investigation Bureau, 6 Circular Road, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Adv.
	:	Mr.Sanjiv Sharan, Adv.
	:	Mr.Sanjay Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Nagendra Prasad, APP
For the Vigilance	:	Mr.Arvind Kumar, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 14-09-2022 The present matter has been listed under the heading :

“To Be Mentioned” on the basis of mentioning slip filed on

behalf of the petitioner.

Heard learned senior counsel for the petitioner and

learned counsel for the Vigilance for the State.

The petitioner seeks bail in connection with Special

Case No.60/2021 arising out of Vigilance P.S. Case No. 51/2021

registered for the offences punishable under Sections 7 (a) of the

P.C. Act, 1988 (as amended in 2018).

As per prosecution case, there is accusation against the

petitioner that he demanded Rs.50,000/- as illegal gratification for

doing work in question from the complainant. It is further alleged



that a trap team was constituted and the said team reached at the place of occurrence and petitioner was caught red handed and amount in question was also recovered from the petitioner.

Learned senior counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The work of the complainant has already been completed on 03.12.2021. The petitioner is languishing in custody since 10.12.2021 and bears no criminal antecedent. Learned senior counsel for the petitioner further submits that the petitioner has neither demanded any money nor any money has been given to him by the complainant. 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 opposes the prayer for bail of the petitioner and submits that the petitioner has caught red handed and alleged recovery has made from his possession.

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, keeping in view clean antecedent and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** 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, Patna in connection with Special Case No.60/2021 arising out of Vigilance P.S. Case No. 51/2021, subject to following conditions:-

- (i) One of the bailors shall be wife of the petitioner.
- (ii) Petitioner shall remain present before the learned court below on each and every date of trial without fail, 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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