

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17950 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- NAUHATTA District- Rohtas

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SATYENDRA PASWAN SON OF LATE LAKHAN PASWAN R/O - DARA
NAGAR, P.S.- NAUHATTA, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 16590 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- NAUHATTA District- Rohtas

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DINESH PRASAD Son of Late Brajbhushan Prasad R/o Village - Markan,
P.S.- Hussainganj, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Department, Government of Bihar, Patna Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 17950 of 2022)

For the Petitioner/s	:	Mr. Sanjiv Sharan, Advocate
For the State	:	Mr. Nagendra Prasad, APP
For the Vigilance	:	Ms. Archana Palkar Khopde, Advocate

(In CRIMINAL MISCELLANEOUS No. 16590 of 2022)

For the Petitioner/s	:	Mr. Hemant Kumar
	:	Mr. Chitranjan Krishna, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP
For the Vigilance	:	Ms. Archana Palkar Khopde, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-08-2022

IN CR. MISC. NO. 17950 OF 2022

Heard learned counsel appearing on behalf of the peti-
tioner and learned counsel appearing on behalf of the State as
well as learned counsel for the vigilance.



Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Nauhatta P.S. Case No. 114 of 2021 registered for the offence under Section 7 of the Prevention and Corruption (Amendment) Act, 2018 and Section 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 26.12.2021.

The allegation against the petitioner is to talk with wife, namely, Kusum Devi of the petitioner over mobile phone and asked for bribe of Rs. 50,000/- to get favour in Nauhatta P.S. Case No. 113 of 2021, where, the husband of Kusum Devi was made an accused.

Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it appears that original audio record is not available with the department. It is also submitted that admittedly, this is not a case of acceptance of bribe rather the maximum allegation is only to demand on behalf of office / in-charge. It is also submitted that admittedly the mobile from which a call was made is not belongs to this petitioner. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investiga-



tion of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned Special P.P., while opposing the prayer of bail, fairly conceded the fact that alleged mobile number, which was used in conversation not belongs to this petitioner.

Considering the facts and circumstances as mentioned above, as the alleged mobile with which demand was made does not belongs to this petitioner, who is man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nauhatta P.S. Case No. 114 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 16590 OF 2022

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Let the defect(s), if any, be removed within a period



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The petitioner seeks bail in connection with Nauhatta P.S. Case No. 114 of 2021 registered for the offence under Section 120(B) of the Indian Penal Code and Section 7 of the Prevention and Corruption (Amendment) Act, 2018.

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Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it appears that original audio record is not available with the department. It is also submitted that admittedly, this is not a case of acceptance of bribe rather the maximum allegation is only to demand on behalf of office / in-charge. It is also submitted that admittedly the mobile from which a call was made is not belongs to this petitioner. It is also submitted that petitioner is involved in one another case, in which, he is on bail. While concluding the argument, it is submitted that investigation of this case has been completed,



for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned Special P.P., while opposing the prayer of bail, fairly conceded the fact that alleged mobile number, which was used in conversation not belongs to this petitioner.

Considering the facts and circumstances as mentioned above, as the alleged mobile with which demand was made does not belongs to this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nauhatta P.S. Case No. 114 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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