

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19293 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- VIGILANCE District- Patna

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VIJAY KUMAR SON OF LATE BANARAS PRASAD R/O VILLAGE-
KAJICHAK, P.O.- RAMNATHPUR, P.S.- SARMERA, DISTRICT-
NALANDA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE DY. S.P. SPECIAL VIGILANCE UNIT, (SVU) BIHAR, PATNA
BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kr. Pandey Mr. Yogesh Chandra Verma Mr. Sanjiv Sharan
For the SVU	:	Mr. Rana Vikram Singh (Spl. PP)
For the Informant	:	Mr. Neeraj Singh
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 12-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Special

Case No. 01 of 2022 (Vigilance) (Arising out of Patna

(Sadar) SVU Case No. 01 of 2022 registered for the offence

punishable under Section 7 of the Prevention of Corruption

Act, 1988.

As per the prosecution case, as emerging from

the F.I.R., there is an allegation of demand and accepting



the bribe of Rs. 48,000 /-.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that investigation is complete and charge-sheet has already been submitted. He also submits that punishment prescribed for the alleged offence is not less than 3 years but it may extend to 7 years and the petitioner has been languishing in jail since 17.01.2022 i.e., for more than 9 months.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned Special PP for Vigilance and the Ld. Counsel for the informant vehemently oppose the prayer of the petitioner for bail. He further submits that the petitioner has been found to have taken bribe red-handed and there is sufficient material on record to prove the case against the



petitioner.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, Vigilance, Patna in connection with Special Case No. 01 of 2022 (Vigilance) (Arising out of Patna (Sadar) SVU Case No. 01 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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