

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20532 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- C.B.I CASE District- Bhagalpur

Deo Narain Mehta, Son of Late Ram Swarup Mehta Resident of Village -
Ratanpura, P.S.- Taranpura, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar through Cabinet Vigilance Bureau, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay Sr. Adv. Mrs. Priya Gupta Adv Mr. Mohit Agrawal Adv. Mr. Lokesh Kumar Adv.
For the Opposite Party/s :		Mr. Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Spl.

Case No. 21 of 2021 arising out of Vigilance P.S. Case No.

48 of 2021, registered for the offence punishable under

Section 7(a) of the Prevention of Corruption Act, 1988.

As per the prosecution case, emerging from the

FIR, the sole accused-petitioner is Revenue

Karmchari/Revenue Clerk and he demanded and received

bribe of Rs. 51,000/- from the complainant for mutating the

land in her name in a trap case.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further points out that witness of the pre-trap as well as post-trap are the same which weakens the veracity of the prosecution case. He further submits that the petitioner has been languishing in jail since 01.12.2021 and as per Section 7A of P.C Act, sentence prescribed for the alleged offence is not to be less than 3 years, but which may extend upto 7 years and he has been languishing in jail for about 10 months. He further submits that investigation is complete and charge-sheet has already been submitted, though cognizance has not been taken.

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.

Ld. Special PP, Vigilance vehemently opposes the prayer for bail, submitting that the petitioner has been found to be taking bribe on spot by trap team. Even sanction for



prosecution has been obtained.

Considering the aforesaid facts and circumstances, particularly the fact that the investigation is already complete and petitioner has been languishing in jail since 01.12.2021, i.e., for about 10 months 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. 2Nd Additional Sessions Judge cum Spl. Judge Vigilance (Trap Cases), Bhagalpur in connection with Spl. Case No. 21 of 2021 arising out of Vigilance P.S. Case No. 48 of 2021, 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 Trial Court is directed not to make unnecessary delay in taking cognizance and framing of charge.

In case the petitioner fails to attend the Court on the fix date for framing of charge his bail-bonds will be cancelled by the Trial Court.

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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