

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20561 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- AMBA District- Aurangabad

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BIRENDRA KUMAR Son of Late Angrahit Ram Resident of Village -
Rajapur, Police Station - Piro, District - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE CABINET VIGILANCE
DEPARTMENT, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Ms. Archana Palkar Khopde, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-11-2022 Heard learned counsel for the petitioner and learned
Spl.P.P. for the State.

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

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 7(a)(b) of
the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 02.11.2021 a telephonic
audio was made viral in which the petitioner, a Revenue Clerk.
was heard demanding illegal gratification from Anil Mehta and
Ramashish Mehta of village Bahera for doing the mutation
work.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the entire allegation hinges around suspicion. It is next submitted that till date the audio, which is alleged to have become viral, has not been tested by the FSL. It is also submitted that petitioner has an unblemished service record till date. Learned counsel further submits that petitioner has been dismissed from the service in pursuance of a departmental proceeding against which he has filed an appeal before the Commissioner, Aurangabad and the Commissioner, Aurangabad, after hearing the parties, was pleased to remand the matter back to the disciplinary authority which amply demonstrates that even the Commissioner, Aurangabad, who is the Appellate Authority of the petitioner, was not convinced with the allegation or else the matter would not have been remanded back.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Special Case No. 46 of 2021 arising out of Amba (Aurangabad) P.S. Case No. 184 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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