

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37416 of 2021**

Arising Out of PS. Case No.-67 Year-2021 Thana- DORIGANJ District- Saran

Vishal Kumar Son Of Late Surya Kant Jha Resident Of Village- Singarpur,
P.S.- Uda Kishunganj, District- Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. The Superintendent Of Police Vigilance, Bihar, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the Vigilance	:	Ms. Archana Palkar Khopde, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 18-01-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, Ms. Archana Palkar Khopde, learned counsel for the Vigilance Investigation Bureau and Mr. Narendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 10 of 2021 arising out of Doriganj (Saran) P.S. Case No. 67 of 2021 registered for the offences punishable under Section 7 of the Prevention of Corruption Act 1988. He has got no criminal antecedent.

The petitioner is a police constable against whom there is allegation that he was collecting money from the vehicles while



being on traffic duty. On the basis of a video, he was searched by the vigilance authorities and then he was arrested with a sum of Rs.2300/- in his possession.

Learned counsel for the petitioner submits that the petitioner is a serving constable and the genuineness of the video on the basis of which allegations have been made against him is still required to be proved in course of trial. So far as recovery of Rs.2300/- is concerned, learned counsel for the petitioner has tried to explain that the money belongs to the petitioner. It is his submission that the petitioner surrendered himself in the learned court below on 14.03.2021 and since then he is in custody, the investigation is complete and his further stay inside the jail is not likely to come in aid of the investigation or prosecution.

Learned counsel for the State as well as Ms. Archana Palkar Khopde, learned counsel for the Vigilance Investigation Bureau have opposed the prayer for bail of the petitioner. It is submitted that the video was made viral and then the petitioner was arrested with a sum of Rs.2300/-.

Having regard to the submissions noted hereinabove particularly that the petitioner has been arrested on the basis of a video and the veracity of the said video is likely to be examined only in course of trial, for the present the petitioner has remained in custody for over 10 months and the investigation against him is complete, this Court directs release of the petitioner above named on



bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance, Muzaffarpur in connection with Special Case No. 10 of 2021 arising out of Doriganj (Saran) P.S. Case No. 67 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

