

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32395 of 2022

Arising Out of PS. Case No.-391 Year-2020 Thana- NAGAR District- Vaishali

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Kappor Chand Prasad @ Kappor Chandra Prasad @ Kapoor Chand Prasad @
Kapoor Chand Prasad Son of Gorakh Nath Prasad Resident of village -
Singahi, P.O.- Hussainganj, P.S.- Aandar, District - Siwan, At present residing
in Quarter No.- 31/48, C.I.D. Colony, Lal Bahadur Shastri Nagar, Patna, P.O.
and P.S.- Shastri Nagar, Patna, District - Patna.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate
For the Opposite Party/s : Mrs. Archana Palkar Khopde, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

counsel for the Vigilance Investigation Bureau.

Petitioner seeks bail in a case registered for the

offences punishable under Section 386 of the Indian Penal Code

and Sections 13(1)(d)(i),(ii),(iii) of the Prevention of Corruption

Act.

As per prosecution case, in short, is that on

18.06.2020 at 7:40 PM the informant was caught by a police

team at Jauhari Bazar driving the motorcycle without Helmet



and he was sent to Town Police Station Vaishali to deposit a fine. The informant has no cash then after withdrawing an amount of Rs. 1,000/- from ATM and paid the same as fine to the other accused person namely Vinod Ram who handed over the said amount to the present petitioner. It has further alleged therein that when the informant demanded the cash receipt/fine receipt from the accused petitioner then an amount of Rs. 200/- was refunded to the informant but no fine receipt was given to the informant and informant was asked to take back his motorcycle from the police station and then the informant after receiving his motorcycle came out from the police station but again the same police team stopped the informant at the same place and demanded the fine receipt and when the informant failed to produce the fine receipt, he was again brought to the police station, where he gave a written complaint about the ordeal he faced at the hand of the present petitioner and other co-accused person.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that in fact the petitioner was posted as Munshi in Hazipur Police Station and he was entrusted with the work of issuing receipts of fine . He further



submits that in fact the petitioner has already issued the receipt to the informant with regard to the amount of fine collected from the informant and the petitioner is in custody since 25.03.2022.

Learned counsel for the Vigilance Investigation Bureau has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 15 of 2020 arising out of hazipur Town (Vaishali) P.S. Case No. 391 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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