

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29269 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- VIGILANCE District- Patna

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AVINASH KUMAR Son of Rajendra Prasad Resident of Village - Chotki
Delha, Road No.4, P.s.- Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar through Viglance Department, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Arvind Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Vigilance
P.S. Case No. 12 of 2022 registered for the offence under
Section 7(a) of the Prevention of Corruption Act, 1988
(Amendment Act 2018).

The accused/petitioner is named in the F.I.R. and is in
custody since 28.03.2022.

The allegation against the petitioner is to accept bribe
of Rs.15,000/- for physical verification of the condition of house
of the informant to avail the benefit of *Pradhan Mantri Awas*
Yojna.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case, due to disputes and differences, arises out of office affairs. It is also submitted that petitioner is a man of clean antecedent, moreover, charge-sheet has been submitted without obtaining FSL report as regard to chemical examination of seized currency of Rs. 15,000/- from the petitioner. It is submitted that the seizure list is also appearing disputed for the reason that the same is not in compliance of Section 100 (4) of the Cr.P.C., as same is supported by the police personnel and by interested witnesses, engaged by department from very inception of the present trap. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned Special P.P., while opposing the prayer of bail, submitted that petitioner was caught red handed, while accepting bribe of Rs. 15,000/-, but fairly conceded that charge-sheet has been submitted without obtaining FSL report, as regard to chemical examination of seized currency of Rs. 15,000/- from this petitioner. It is also submitted that the petitioner refused to give his voice sample, drawing



presumption of his involvement.

Considering the facts and circumstances as mentioned above, as the charge-sheet against this petitioner submitted without obtaining FSL report as regard to chemical analysis, in the backdrop of disputed seizure list, let the petitioner, above named, is directed to be released on bail in connection with Vigilance P.S. Case No. 12 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna/concerned court, subject to the following conditions, as mentioned in Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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