

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40990 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- C.B.I CASE District- Muzaffarpur

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RANJAN PRASAD KUMAR Son of Late Srikant Kumar Resident of Village
- Dhruvganj, P.S. - Kharikganj, Navgachiya, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Yogesh Chandra Verma, Sr. Advocate Anuj Kumar, Advocate
For the Vigilance Dept.	:	Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 11-01-2022 Heard learned senior counsel for the petitioner and

learned counsel for the Vigilance, Bihar through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in connection with Special Case no. 11 of 2021
(arising out of Vigilance P.S. Case no. 13 of 2021) registered
under section 7A of the Prevention of Corruption Act, 1988.

As per the prosecution case, it is stated by the
informant that he manages the work of Sri Prem Prakash, the
proprietor of Bharat Construction. It is stated that the work
order was given for renovation of the building of the Sales Tax
office at Chapra (Saran). 90% work of the renovation work as
per the work order was completed. Thereafter, a letter was



issued by Bharat Construction for revision of the estimates for renovation of the building. The Executive Engineer of the Building Construction Department gave a revised estimate to the petitioner, a Superintending Engineer, for technical approval. It is stated that the Superintending Engineer made a demand of Rs. 3 lacs for giving approval . On the complaint filed by the informant, an inquiry was conducted and on submission of the verification report a trap team was constituted. It is stated that on asking for the amount of Rs. 1.3 lacs from the petitioner and that the balance should be paid later, the informant paid the amount and the same was recovered from the table drawer of the petitioner in presence of the trap team. On the fingers of the petitioner being dipped in the solution of sodium carbonate, it turned pink. A post trap memo random was prepared.

It is submitted by learned senior counsel for the petitioner that the petitioner has been falsely implicated in the case. The entire prosecution case and the evidence is based on documentary evidence and the investigation in the case having concluded, no purpose would be served in keeping the petitioner in custody. The petitioner being a Superintending Engineer, there is no chance of the petitioner fleeing away. The petitioner



is in custody since 14.3.2021 and is suffering from numerous medical ailments. He undertakes to cooperate in the trial in the learned court below. He has no criminal antecedent.

The application for bail is opposed by learned counsel appearing for the Vigilance. It is submitted that the petitioner who is the Superintending Engineer made a demand of Rs. 3 lacs for giving technical approval. On the complaint having been received the allegations were verified by the officer of the Vigilance Investigation Bureau, Patna. A report was submitted and, thereafter, a trap team was constituted. The GC notes was treated with naphthalene powder and the pre trap memorandum was signed by the complainant and the members of the trap team. On the petitioner demanding and accepting the bribe of Rs. 1.3 lacs from the complainant, the trap team recovered the said amount paid by the complainant to the petitioner from the drawer of his table in his official chamber. The numbers of the recovered GC notes were matched and the post trap memorandum was drawn up. It is submitted that the audio recording of the conversation between the petitioner and Prem Prakash clearly shows the demand and acceptance of bribe. The accused refused to give his voice sample for examination by an expert team in the Forensic Science Laboratory. It is finally submitted



that if the petitioner is released on bail not only will he influence the witnesses but will not let the trial proceed.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the allegations in the FIR, the procedure followed right from the stage of verification of complaint of the informant to constitution of the trap team and catching the petitioner red handed with Rs. 1.3 lacs, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

However, in the facts of the case, liberty is granted to the petitioner to renew his prayer for bail in the learned court below after framing of charge.

(Partha Sarthy, J)

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