

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44454 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- C.B.I CASE District- Bhagalpur

DR. SUBHASH CHANDRA BAITHA SUMAN @ SUBHASH CHANDRA SUMAN S/o Late Bhullu Baitha Resident of Ward No. -17. Near Telephone Exchange Bishanpur Chaturbhuj, P.S. - Begusarai, District - Begusarai, posted as In- Charge Medical officer, Sub-Divisional Hospital, Gogari, Khagaria.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Department, Bihar, Patna Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45139 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- C.B.I CASE District- Bhagalpur

RAJENDRA PRASAD SINHA @ RAJENDRA KUMAR SINHA Son of Devnath Sahay Resident of Village - Ghosait, Police station - Piri Bazaar, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vigilance Investigation Bureau, Government of Bihar, Patna. Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44454 of 2021)

For the Petitioner/s	:	Mr. N.K Agrawal, Sr. Advocate
		Mr. Chandra Shekhar Anand, Advocate
For the Vigilance	:	Mr. Diwakar Prasad Karn, Advocate
For the State	:	Mr. Arvind Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 45139 of 2021)

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 12-04-2022

Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in connection with Vigilance Case no. 8 of



2021, Tr. no. 245 of 2021 (arising out of Vigilance P.S. Case no. 18 of 2021) registered under section 7(a) of the Prevention of Corruption Act, 1988.

As per the prosecution case, on the wife of the informant who was posted as G.N.M at Sub-Divisional Hospital, Gogri asking the head clerk for her salary, a question was raised as to whether she was the genuine person working or whether she was impersonating some other person. Subsequently, it is stated that a demand of Rs. 1,50,000/- was made by the two petitioners. The matter was reported. On receipt of the report two teams were constituted to trap the petitioners and after following the procedure it is stated that in the trap both the petitioners were apprehended having accepted Rs. 1,50,000/- and Rs.30,000/- respectively.

It is submitted by learned senior counsel appearing for the petitioners that the petitioners have been falsely implicated in the case. Ruby Kumari who was posted on 16.8.2020 by the orders of the Chief Medical Officer, Khagaria received her salary on 31.3.2021 itself. The allegation of demand of bribe in lieu of payment of salary are all false and incorrect. Contrary to the allegations no amount has been recovered from their possession. The petitioners are in custody since 6.4.2021. It is further



submitted that both the petitioners have categorically stated on affidavit that they are ready to give their voice sample. Further, with respect to the stage of the trial it is submitted that a supplementary affidavit has been filed stating therein that charge has been framed in the learned trial Court on 2.4.2022.

The application for bail is opposed by learned Spl. PP appearing for the Vigilance. It is submitted that both the petitioners were caught red handed accepting bribe of Rs. 1,50,000/- and Rs. 30,000/-. The petitioners were not cooperating in the trial to the extent that they were not ready to give their voice sample, which now, as stated on affidavit, they are ready to give. It is further submitted that conditions may be imposed to ensure the cooperation of the petitioners in the trial.

Having heard learned counsel for the parties and taking into consideration the facts of the case, charge having been framed in the learned trial Court together with the petitioners having undertaken on affidavit to give their voice sample as and when directed by the learned trial Court/Vigilance, the Court directs the above two petitioners to be enlarged on bail in connection with Vigilance Case no. 8 of 2021, Tr. no. 245 of 2021 (arising out of Vigilance P.S. Case no. 18 of 2021) on each of them furnishing bail bond of Rs.25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Vigilance, Bhagalpur.

It is further directed that the petitioners shall either remain physically present or will be properly represented on each date of the trial. In case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioners, the learned trial Court may cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

Prakash/-

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