

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36645 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- C.B.I CASE District- Muzaffarpur

Shambhu Pandey Son Of Late Bharat Pandey R/O Village- Mangalpur
Gudariya, P.S.- Nautan, District- West Champaran Petitioner/s
Versus

The State Of Bihar Through Vigilance Department, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Chowdhury, Advocate
For the Opposite Party/s : Mr. Arvind Kumar, APP
For the Vigilance : Mr. Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Special Case No. 9 of 2022 under Section 7(a) of the Protection
of Corruption Act, 1988 (Amendment, 2018).

A counter affidavit has been filed in this case on
behalf of Vigilance Department.

The prosecution story, read as follows :-

(i) a written complaint was lodged by the informant,
Rajnish Giri in Vigilance, Patna stating therein that his ‘*bhabhi*’
Pooja Kumari was selected as ‘Angan Bari Sewika’ and to open
an account , she had made an application in the office of Child



Development Project Office, Bagaha;

(ii) it is further alleged that when the informant met with Sambhu Pandey, the petitioner herein, he demanded Rs. 20,000/- for opening of the account. It is further alleged that the petitioner had agreed to do the work of the informant in lieu of Rs. 25,000/- to be paid to him by the informant;

(iii) after receiving the said complaint from the informant, the Vigilance Department constituted a raiding team and the informant went to the office of the petitioner to give the bribe money to him as per the demand. The raiding team after getting signal acted swiftly and surrounded the petitioner and on search Rs. 25,000/- was recovered from the right pocket of his trouser. Accordingly, he was arrested.

Learned counsel for the petitioner submits that although the work concerned was not allotted to him and he had been victim of circumstances, nonetheless, he had been trapped in the matter while accepting the bribe money and charge sheet stands submitted and in view of the fact that he is in custody since 11.03.2022 and will ultimately have to face the trial, he is ready to abide by all the terms and conditions as imposed by this Court, if granted the privilege of bail.

Learned counsel for the petitioner on instructions



further submits that the petitioner on its own wants to contribute Rs. 25,000/- by way of Demand Draft through State Bank of India, Local Branch in favour of Patna High Court Legal Services Committee irrespective of the outcome of the bail application.

Per contra, Mr. Anil Singh, learned counsel appearing for the Vigilance has taken this Court to paragraph-17 of the case diary to show the transcript between the complainant and the petitioner-accused according to which he demanded money and as alleged later accepted the same and trapped and as such, he does not deserve bail.

Be that as it may, the petitioner has alleged to have accepted the bribe money of Rs. 25,000/- and was accordingly taken into custody on 11.03.2022, charge sheet stands submitted, he do not carry any criminal antecedent inasmuch no such case of similar nature was registered against him and ultimately he has to face the trial, this Court is inclined to grant him privilege of bail after framing of charges subject to the condition that he will contribute a sum of Rs. 25,000/- (twenty five thousand) by way of Demand Draft through State Bank of India, Local Branch in favour of Patna High Court, Legal Services Committee.



Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 1,00,000/- (One Lakh) with two sureties of like amount each to the satisfaction of learned Special Judge, Vigilance, Muzaffarpur in connection with Special Case No. 9 of 2022 arising out of Vigilance Patna P.S. Case NO. 9 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner will not leave the country without the permission of the Trial Court.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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