

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37756 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- C.B.I CASE District- Muzaffarpur

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Pramod Kumar Son of Radhakant Jha R/o Mohalla - Rajeev Nagar, Road No.-
9/B, Near Clinic of Dr. BK Choudhary, P.S.- Rajeev Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar through the Additional Director General, Vigilance
Investigation Bureau, Bihar, Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. with Mr. Nirbhay Prashant, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP
For the Respondent/Vigilance/s	:	Mrs. Archana Palkar Khopde, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 24-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned senior counsel for the petitioner and
learned counsel for the vigilance.

The petitioner seeks regular bail in connection with
Special Case No. 12 of 2022 arising out of Vigilance P.S. Patna
Case No. 14 of 2022 lodged under Section 7(a) of the
Prevention of Corruption Act, 1988.

As per the prosecution case, the allegation against the
petitioner is demand of dowry for making payment of the
contract of the informant who filed complain before the
vigilance and the vigilance after verification found it to be true.

They prepared pre-trap memorandum and in the said trap, the petitioner was found involved in taking bribe amounting to Rs. 2,50,000/-. Thereafter, post-trap prepared and the petitioner was apprehended from the place of occurrence.

Learned senior counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that petitioner has joined the office of Executive Engineer, Vaishali as an accountant and has raised an objection that payment has been made for excess items in previous bills in violation of PWD rules and as such he has given the adverse note against the informant on 21.09.2021. Due to this reason, the informant has filed the present case. Learned senior counsel submits that he has categorically stated in his petition Para- 10 and 11 in this regard and stated that huge enhancement in different items of agreement from 0.47 percent to 699.97 percent has been made and thereby huge loss of the government money has been caused. Learned senior counsel further submits that vigilance has not acknowledged, that on 24.03.2022 itself the payment has been processed from the office of the executive engineer where he was working as an accountant and the said payment was made in the account of the petitioner on the same day through comprehensive Financial Management System,

Government of Bihar which is Annexure-2 series of the petition. Learned counsel further submits that petitioner's antecedent is clean. He is in custody since 30.03.2022, and that the charge sheet has already been filed in this case. Learned counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He is ready to appear even on day to day basis and is also ready to support the trial without fail.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the vigilance opposes the prayer for bail and submits that it is a case under the Prevention of Corruption Act where petitioner was not caught red-handed by the Vigilance Department and bribe money Rs.2,50,000/- has been recovered from his possession. Learned counsel submits that charge sheet has already been filed as per 26.05.2022. Learned counsel submits that if the petitioner shall be released without framing of charge, then he would start causing delay in trial.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner

is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail, after framing of charge. Petitioner shall be at liberty to move for discharge within 30 days from today, and upon filing discharge petition, court shall take final decision within 30 days thereafter. If charge has not been framed within 30 days from the date of communication of this order then, the Trial Court/Vigilance Court shall release him on bail imposing his own condition so that he may not evade his appearance during trial. But in case of his non-cooperation in framing charge, court is free to take his own decision.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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