

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43293 of 2022

Arising Out of PS. Case No.-405 Year-2008 Thana- LAKHISARAI District- Lakhisarai

Manohar Kumar Son of Late Ramdas Pandit Resident of - Dak Bangala,
Bishahari Sthan, Ward No. 8, P.S.- Lakhisarai, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar Through Vigilance

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad, Advocate.
For the Vigilance	:	Rana Vikram Singh, Spl.P.P.
For the Opposite Party/s	:	Mr. Arvind Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State as well as learned special PP for the Vigilance Department.

Petitioner seeks regular bail in connection with Lakhisarai P.S. Case No. 405 of 2008 registered for the offences punishable under Sections 7, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

As per the prosecution, the informant has alleged that this petitioner asked for illegal gratification for handing over a cheque to the informant of amount Rs. 30,000/- issued by the



Gram Panchayat. Further it is alleged that this petitioner took bribe of Rs. 3000/- for delivering a cheque.

The main submissions advanced by learned counsel Mr. Fakhruddin Ali Ahmad appearing for the petitioner are that the petitioner was earlier granted bail by this Court vide order passed in Cr. Misc. No. 52516 of 2018 filed as Annexure-1 and thereafter he remained present before the trial court till 06.04.2016 and thereafter he left his attendance on account of illness of his wife and also due to communication gap between the petitioner and his counsel and the non-appearance of the petitioner before the trial court was not intentional and now he has been punished sufficiently for his wrong as he has been undergoing in custody since 23.04.2022. Further submission is that the petitioner is ready to cooperate with the trial court and he will be abiding all the conditions if imposed upon him by this Court while granting the privilege of bail.

On the other hand Learned Spl.PP Rana Vikram Singh appearing for the Vigilance Department and learned APP Mr. Arvind Kumar appearing for the State have vehemently opposed the bail prayer and submitted that on account of non-appearance of the petitioner for a long period, trial of the petitioner has delayed for a considerable period of time and he



does not deserve to a lenient approach of this Court and he was taken into custody after all the processes had been issued against him.

Heard both the sides and perused the order impugned as well as the FIR. Though the petitioner has remained absent before the trial court for a long period but the order sheets submitted by the petitioner concerned to his case also show that the prosecution party remained careless in producing the witnesses and till 06.04.2016 when the petitioner left his attendance no prosecution witness was produced while as per the above submission the charge upon the petitioner was framed in the year 2009. During the course of argument learned Spl. PP appearing for the Vigilance Department has accepted that the petitioner has filed the medical prescription showing his wife's illness. Considering all these facts and mainly taking into account the petitioner's custody period, in the opinion of this court the petitioner deserves to the privilege of bail. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court in connection with Lakhisarai P.S. Case No. 405 of 2008 further on this condition:-



(1) The petitioner shall appear in person before the court below on each and every date till the completion of his trial, if he remains absent on two consecutive dates without a reasonable reason then the court below shall take strict action against him by cancelling his bail bond.

(Shailendra Singh, J.)

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