

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40966 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- VIGILANCE District- Patna

SUNIL KUMAR S/o Jagu Das Resident of Lipik Prathamik Sawasth Kendra
Tankuppa, Gaya, Permanent R/o village- Narada, P.S.- Khijar Saray, District-
Gaya (Bihar)

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Pd. Singh, Sr. Adv. Mr.Bhaskar Shankar, Adv.
For the Vigilance	:	Mr.Rana Vikram Singh, (Spl.PP)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-11-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para 14 of the bail petition during
course of the day.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard the parties.

The petitioner seeks bail in connection with Special
Case No. 23/2022 arising out of Vigilance P.S. Case No.
17/2022 registered for the offences punishable under Sections
7(a) of the Prevention of Corruption Act.

As per prosecution case, the informant alleged that his
wife died during course of treatment and when he met petitioner



accused Sunil Kumar, Clerk in Tankuppa P.H.C. for getting benefit of death cum retiral benefit. The petitioner has further explained that final settlement amount of Rs.20,00000/- (Twenty lac) and pension amount Rs.31,100/- has been fixed by the A.G. Bihar and it is alleged that the petitioner is making demand of Rs.80,000/- as bribe amount for doing his work @ 4% total payable to him. It is further alleged that a trap team was constituted and the said team reached at the place of occurrence where the petitioner was caught red handed and amount of Rs. 55,000/- was recovered from the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 04.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that all the dues regarding death-cum-retiral benefit of the petitioner's wife has already been sent through Letter no. 253/Ko. dated 01.04.2022, which is at Annexure-2 of the bail petition.

The learned Special P.P. for the Vigilance vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is not ready to give the voice sample which is against



the spirit of law inspite of the direction of learned Special Court.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with special Case No. 23/2022 arising out of Vigilance P.S. Case No. 17/2022, subject to following conditions:-

(i) One of the bailors shall be wife of the petitioner who has sworn the affidavit in bail application.

(ii) Petitioner shall remain present on each and every dates of trial in the learned court below, failing which the bail bond shall stand cancelled.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time



of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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