

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51561 of 2021

Arising Out of PS. Case No.-176 Year-2021 Thana- ROSERA District- Samastipur

SHRI NARAYAN SINGH S/o YASHWANT SINGH R/o VILLAGE-
NARGADA, P.S-KRISHNA GARH, DISTRICT-BHOJPUR, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Rosera PS case no. 176 of 2021 instituted for the offences punishable under Section 385 of Indian Penal Code and Sections 7(a)(b) of Prevention of Corruption Act, 1988.

The allegation is regarding the petitioner having demanded a sum of Rs. 10,000/- by way of bribe from the informant in order to release the motorcycle in question. The informant is stated to have made a video/ audio clip of the said incident i.e. regarding demand being made by the petitioner from the informant for releasing his motorcycle. The informant is stated to have handed over the said video/ audio clip to the Officer-in-charge and it is alleged that the same depicts that the



petitioner had demanded bribe from the informant. It is further alleged that the Officer-in-charge along with other police personnel had conducted a raid in the house of the petitioner and recovered a sum of Rs. 9,500/-.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 09.06.2021. The learned counsel for the petitioner has further submitted that in fact, a sum of Rs. 19,500/- was withdrawn from the account of the petitioner through the A.T.M. in question on the fateful day, out of which, a sum of Rs. 9,500/- was given to the informant and the balance amount is stated to have been recovered by the police from the house of the petitioner. It is next submitted that the petitioner is also in possession of sufficient proof regarding withdrawal of the aforesaid sum from the A.T.M. by use of his A.T.M. card. It is also submitted that the petitioner has got several awards and is having a clean and meritorious career.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the submissions/ averments made in the present petition, apart from the fact that the petitioner has not been caught red-handed taking any amount from the informant and moreover, the vehicle has also not stood released by the petitioner on the fateful day, this Court finds that at the moment, miniscule evidence is available in order to connect the petitioner with the alleged crime, more so since the petitioner is having a clean antecedent and is languishing in custody since about 09 months, thus I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge (Vigilance), Muzaffarpur in connection with Rosera PS case no. 176 of 2020.

(Mohit Kumar Shah, J)

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