

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41118 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- VIGILANCE District- Patna

Upendra Prasad Mehta Son of Janki Mehta Resident of Village - Katariya,
P.s.- Birpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Deptt. , Govt. of Bihar, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For the Vigilance : Mr. Arvind Kumar, Advocate, Spl P.P./Vigilance

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-11-2022 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.

Petitioner seeks regular bail in connection with
Vigilance P.S. Case No. 20 of 2022 registered for the offence
punishable under Sections 7(a) of the Prevention of Corruption
Act, 1988.

As per the prosecution, the informant alleged that this
petitioner had made a demand of illegal gratification of
Rs.20,000/- with regard to the issuance of the case diary with
phone call details in connection with the Ghosi P.S. Case No.
109 of 2022 in which the petitioner was the investigating officer.



However, the case diary was sent but the phone call details was not attached to it. Further it is alleged that upon asking the I.O. (petitioner) for the phone call details this petitioner asked the informant for illegal gratification of Rs.20,000/- for providing the same and after bargaining petitioner agreed to take the amount of Rs.10,000/- but he was trapped when he was receiving the alleged bribe.

The main submissions advanced by the learned counsel Mr. Sumit Shekhar Pandey appearing for the petitioner are that all the witnesses of the prosecution relating to the alleged trap are co-villagers of the informant except two witnesses and as per the pre-trap memorandum a sum of Rs.20,000/- was stated to have been demanded by this petitioner from the complainant but later on as per the post-trap memorandum the said amount comes to Rs.10,000/- and the same was allegedly recovered as a bribe from the possession of the petitioner and the said contradiction with regard to the alleged bribe amount caused a serious doubt on the allegation made by the prosecution and moreover the seizure list of the post-trap memorandum was prepared at Circuit House and not at the alleged place of recovery. Further submission is that against the petitioner the investigation has been completed and



he has been falsely implicated and in fact the informant of the instant matter who is an accused in Ghosi P.S. Case No. 109 of 2022 of which the petitioner was Investigating Officer, wanted the petitioner to exonerate the informant from the alleged offences in connection with the above-mentioned case, which was not allowed and accepted by the petitioner and thereafter the present case was fabricated in collusion with others.

Learned counsel Mr. Arvind Kumar appearing for the Vigilance Department files counter affidavit which is taken on record. It is submitted by learned counsel for the Vigilance that against the petitioner there is a serious allegation and the conversation between the complainant of the present matter and the petitioner regarding the demand of bribe made by the petitioner from the complainant was secretly recorded by using a particular device provided by the Vigilance Police Station, Patna and the transcript of the relevant portion of the said conversation has been mentioned in the counter affidavit which clearly shows that the petitioner demanded bribe from the complainant and also made bargaining in respect of the amount of the alleged bribe. Further submission is that during the investigation the expert of the FSL team visited the jail and tried to take voice sample of the petitioner but he denied in writing to



give his voice sample which completely goes against the petitioner.

Heard both the sides and perused the pre-trap memorandum as well as post-trap memorandum. The instant matter relates to making a demand of bribe and receiving the same by the petitioner from the informant who is accused in Ghosi P.S. Case No. 109 of 2022 and in respect of the said allegation pre-investigation was done by the officials of the Vigilance Department and in this regard pre-trap memorandum was prepared and thereafter in following with the direction given by the vigilance officials the complainant went to the petitioner and in the presence of witnesses handed over the alleged bribe to the petitioner which was recovered and seized from the possession of this petitioner at the place of delivery of bribe and the recovery was made before the independent persons detailed in the post-trap memorandum. Though the petitioner has been languishing in jail since 29.04.2022 and as per the above submission investigation has also been completed against him but as the petitioner is a police officer and the informant as well as material witnesses before whom the alleged bribe was given and accepted as well as recovered are private persons, there is a possibility of misuse of the position by the



petitioner if he is enlarged on bail at this stage. Accordingly, this Court is not inclined to enlarge the petitioner on bail at this stage, hence the prayer for bail stands rejected.

(Shailendra Singh, J.)

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