

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53245 of 2021**

Arising Out of PS. Case No.-27 Year-2021 Thana- C.B.I CASE District- Bhagalpur

Kumar Alok Ranjan, Son of Sri Tunni Lal Das (Labour Superintendent,
Purniya) Resident of Village - Dasriya, P.S.- Dalsingsarai, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Avanindra Kumar Jha, Adv. Mr. Jeetendra Acharya, Adv.
For the State	:	Mr. Anjani Kumar, Sr. Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 06-04-2022 Heard Mr. Ramakant Sharma, Senior Advocate appearing
on behalf of the petitioner and Mr. Anjani Kumar appearing on behalf
of the Vigilance Department.

The petitioner is in judicial custody in connection with
Special Vigilance Case No.12 of 2021 arising out of Vigilance P.S.
Case No.27 of 2021 under Sections 7(a)(c) and Section 12 of the
Prevention of Corruption Act, 1988 as also Section 120B of the
Indian Penal Code.

As per the case, the complainant had constructed a office
building in the year 2013. At that time he had not received any
information regarding payment of cess. On 18.03.2021 he received
notice from the office of Labour Commissioner, Purnea for
depositing the cess. Accordingly, he went with the cheque of
Rs.1,99,560/-. He met the petitioner herein in the office who asked



him to meet the staff, Manoj Kumar. When he met Mr. Manoj Kumar, Rs.55,000/- was demanded as bribe for the deposition of the cheque. Since he did not wanted to pay any bribe, he made a complaint before the Vigilance Department.

The allegation was verified and the same having found true, the case was instituted.

Later a trap team was constituted under the Dy.S.P. The trap was made, the amount was paid and both the petitioner and Mr. Manoj were caught red handed on 09.07.2021.

This led to the institution of Special Vigilance Case No.12 of 2021 arising out of Vigilance P.S. Case No.27 of 2021 (Tr. No.509/2021) under Sections 7(a)(c) and Section 12 of the Prevention of Corruption Act, 1988 as also Section 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the manner that has been described in the complaint against the petitioner seems improbable inasmuch as the officer is not supposed to accept the draft which has to be deposited in the office, as he had no role to play in the manner. Even going by the complaint, it is clear that the petitioner merely asked him to talk to Mr. Manoj and there was no demand on his part. He further submits that now that he is in jail since 09.07.2021 and charge sheet has already been submitted, if released on bail, he is ready to abide by each and every condition imposed by this Court with further undertaking that violation of even



one of them will entail immediate cancellation of his bail bond.

Learned Senior Counsel Mr. Anjan Kumar appearing for the Vigilance Department submits that there was a demand of Rs.55,000/- at the first occasion which was complained by the person, the matter was verified, found true and only thereafter the complaint was registered. He further submits that thereafter the team was constituted, raid was conducted the petitioner (contrary to what has been submitted on behalf of the counsel appearing on his behalf), accepted the amount, caught redhanded and it was in that particular facts and circumstance that he was arrested. He further submits that though the charge sheet has already been submitted but it will be appropriate that he be kept in jail at least till framing of charge.

Having gone through the rival submissions put forward by the respective parties this Court, without going into the technicalities of the case and the manner the petitioner has been brought within purview of the judicial custody after he accepted the amount, having taking note of the fact that charge sheet has already been submitted and as such there is no question of tampering with the evidence as also the fact that he is in custody since 09.07.2021, privilege of bail can be extended on him.

Let the petitioner be released on bail on furnishing bail bond of Rs.1,00,000/-(one lac) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge, Ind-cum-Special Judge, Vigilance, Bhagalpur in connection with Special



Vigilance Case No.12 of 2021 arising out of Vigilance P.S. Case No.27 of 2021, subject to the following conditions:

(i) one of the bailor should be the blood relative of the petitioner who shall submit the official document issued to him/her to show bonafide;

(ii) the petitioner shall co-operate in the Trial and shall appear on each and every date before the learned Trial court and failure to do so for two consecutive dates will entail cancellation of his bail by the learned court below itself;

(iii) he shall in no way induce, promise or threaten any person or material witness related to the case in hand and failure to do so, the State shall be at liberty to initiate steps for cancellation of his bail;

(iv) he shall surrender his passport, if any, before the learned court below till the completion of the trial;

(v) the Trial court if it feels that there is non-cooperation on the part of the petitioner in conclusion of the trial, shall cancel the bail bond of the petitioner.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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