

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38252 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- VIGILANCE District- Patna

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Arun Kumar S/O Bhairab Prasad Resident of Flat No.- 305, Lalita Nikunj
Apartment, B- Area, Mithapur, Patna.- 1

... .. Petitioner/s

Versus

1. The State of Bihar
2. Thought the S.P Vigilance. Patna Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 47682 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- VIGILANCE District- Patna

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Rakesh Kumar Suman Son of Late Bishwanath Singh Resident of Village -
Akorhi, Police Station- Akorhi Gola, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Superintendent of Police -cum- S.H.O., Vigilance
Investigation Bureau, Patna. Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38252 of 2022)

For the Petitioner/s	:	Mr. Anshul, Adv.
	:	Mr. Guriya Nisha, Adv.
For the Opposite Party/s	:	Mr. Anil Singh, APP

(In CRIMINAL MISCELLANEOUS No. 47682 of 2022)

For the Petitioner/s	:	Mr. Yogeshchandra Verma, Sr. Adv. with
	:	Mr. Surendra Kumar Mishra, Adv.
	:	Mr. Shashikant, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP
For the Vigilance/s	:	Mr. Archana Palkar Khodpe, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

6 01-12-2022 Let the defect(s), if any, be removed within two weeks

from today.

Heard learned senior counsel for the petitioners and

learned A.P.P. for the State and learned counsel for the vigilance.

The petitioners seek regular bail in connection with Vigilance P.S. Case No. 22 of 2022 lodged under Sections 7(a) (c) of the I.P.C.

As per the prosecution, this case has been instituted on the basis of complaint dated 27.04.2022 filed by the complainant Gopal Kumar Singh in the Vigilance P.S. stating therein that he is a contractor in Rural Development Department, Daudnagar, Aurangabad. It is alleged that he was granted some work, but he was not granted any fund and due to which the work was not completed in time, then the complainant prayed for extension of time for completion of work and for this purpose, he met the Petitioner No.1(Executive Engineer) who asked him to meet the Petitioner No.2(Cashier). It is further alleged that when he met the Petitioner No.2(Cashier), he made demand of Rs.1 lac for doing his work.

Having received the complaint, the S.H.O. Vigilance issued direction for verification of allegation and submission of report. The allegation was verified by the verifier Manikant Singh on 12.05.2022 in the office of the Petitioner No.1 who directed the complainant to meet with the Cashier, Rakesh Kumar(P-2) and when he met Rakesh Kumar, he made demand of bribe of Rs.60,000/- out of which Rs.50,000/- was meant for

the petitioner and Rs.10,000/- for himself. Accordingly, he submitted his report in affirmative. It is further alleged that thereafter a trap team was constituted under the leadership of Sri Surendra Kumar Mauar, Dy. S.P Nigrani who called and convened a meeting of the trap team on dated 17.05.2022 and observing the formalities and discussing the plan for conducting trap of the accused, prepared a pre-trap memorandum in presence of members of the trap team who put their respective signatures over the same. It is further alleged that on 17.05.2022 itself the trap team conducted trap of the Petitioner No.1(Arun Kumar) in his residential house and caught him red handed while demanding and accepting bribe money amounting to Rs.50,000/- ultimately recovered from fist of right hand of P-1 and thereafter, the trap team went for trap the Petitioner No.2 (Rakesh Kumar Suman) where he was arrested from outside of Office, Daudnagar(Aurangabad) and caught red handed while demanding and accepting bribe money amounting to Rs.10,000/- ultimately recovered from fist of right hand of P-2 respectively. It is further alleged that the numbers of the G.C notes while tallied with the numbers as noted in the pre-trap memo, were found as the same. Thereafter, the petitioner accused was arrested and forwarded in this case for commission

of offence as alleged.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. They have been made accused on the basis of forge and fabricated allegations. Learned counsel further submits that antecedent of the petitioners are clean, charge sheet has already been filed and no purpose shall be solved to continue them in jail particularly, when charge has already been framed.

Learned counsel for the vigilance submits that both the accused persons were arrested and the case found true against them. They are government officials. Sanction of prosecution has been sent to their respective departments. The sanction of petitioner of first case has not been received and it is yet to take some time. Therefore, learned counsel for vigilance submits that they may not be released on bail till framing of charge. Learned counsel for petitioners jointly submits that they are ready to appear on each and every date without fail till end of the trial.

In the above facts and circumstances and undertaking made by the petitioners, I am of the view that no purpose shall be solved to continue the petitioners in jail and therefore, I am

hereby directing the petitioners to release on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Spl. Judge Vigilance-1, Patna in connection with Vigilance P.S. Case No. 22 of 2022, with conditions that they shall appear on each and every date without fail till end of the trial. They shall also follow other conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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