

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58331 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- C.B.I CASE District- Muzaffarpur

SHASHI KUMAR SHRIVASTATVA S/O SRI SURENDRA PRASAD
SHRIVASTAVA R/o village- Hussaini Tola, Shishwa, P.S.- Dumariya Ghat,
District- East Champaran

... .. Petitioner/s

Versus

1. Vigilance Investigation Bureau, through Additional Superintendent of Police-cum-officer-in-Charge, Vigilance Police Station, Bihar, Patna
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Special Case No. 16 of 2021, arising out of Vigilance P.S. Case No. 20 of 2021, registered for the offence under Section 7(a)(c)/12 of the Prevention of Corruption Act, 1988 and Section 120(B) of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged to have demanded illegal gratification on behalf of co-accused, Ram Chandra Paswan.

Petitioner denies the allegation, as made out in the prosecution case, and submits that that he has been falsely



implicated in this case and demand of bribe for release of amount is false. Petitioner is simply a computer operator and he is concerned with the job of data entry of office of Work Division and he is least concerned with passing bills, measurement book or payment of any kind of amount. It is next submitted on behalf of petitioner that petitioner is in custody since 16.06.2021 and he is ready to abide by all the terms & conditions, as imposed by this Court, and undertakes to fully cooperate with the investigating agency during trial. Moreover, charge sheet has already been submitted and there is no allegation against this petitioner of tampering with evidence or non-cooperation with the Investigating Agency and as such, no purpose would be served in allowing the petitioner to remain in custody. Similarly situated accused Ram Chandra Paswan, who was caught while taking bribe, has already been granted bail by this court vide order dated 01.02.2022 passed in Cr. Misc. No. 57466/2021.

However, learned counsel for the Vigilance Department opposed the bail petition and submitted that there is serious allegation against this petitioner that he demanded bribe on behalf of co-accused, Ram Chandra Paswan, who was Executive Engineer.



Considering the rival submission of the parties and the materials available on record as well as undertaking of the petitioner to cooperate with the investigating agency and will appear on each & every date and the fact that charge sheet has already been submitted, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance, Muzaffarpur in connection with Special Case No. 16 of 2021, arising out of Vigilance P.S. Case No. 20 of 2021, subject to following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below /investigating agency and shall remain physically present, as directed by the court concerned, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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