

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57035 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- VIGILANCE District- Patna

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VIVEK KUMAR, Son of Sri Mukesh Prasad Singh, Resident of Village -
Raja Bigha, P.S. Muffasil, District - Nawada.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Arvind Kumar, Spl. PP
For the Informant : Mr. Pramod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-03-2022 Heard learned counsel for the petitioner, Mr. Arvind

Kumar for the Vigilance and Mr. Pramod Kumar, learned

counsel for the informant.

Let the defect(s), if any, be removed within a period

of four weeks after complete start of the physical Court.

The petitioner seeks bail in connection with Special

Case No. 18 of 2021, arising out of Vigilance P.S. case no. 21 of

2021 registered under Sections 7 (a)(c)/12 of the Prevention of

Corruption Act, 1988 read with Section 120B of the Indian

Penal Code.

Learned counsel for the petitioner submits that the

petitioner is in custody since 18.06.2021, is a person with clean

antecedent, charge-sheet has been submitted and charges have



been framed.

Learned counsel submits that the informant alleges that he carries business of stone chips and sand and has 8 trucks for the business purpose. It is alleged that SHO Didarganj was demanding bribe of Rs. 80,000/- per month from the petitioner for carrying his business peacefully, failing which he would face trouble in carrying his business. Accordingly, it is alleged that the informant informed the Vigilance, thereafter a verifier was appointed, who verified the allegation that Rajesh Kumar (SHO, Didarganj) and the petitioner, his bodyguard repeated the demand in his presence but after negotiation the demand was finalized at Rs.60,000/-. Accordingly, a trap team was constituted and the petitioner was telephonically contacted and called at the place of occurrence at 7.00 P.M., where the petitioner came and after he accepted the bribe amount of Rs.60,000/- the verifier gave signal and the petitioner was apprehended with 30 notes of Rs.2000/- in his right hand and the note turned into pink colour when the same were dipped in the solution of on Sodium Carbonate and thereafter Rajesh Kumar was also arrested.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The thrust and



allegation is against SHO of Didarganj police station, as far as petitioner is concerned, it is alleged that he was contacted and he had gone to receive the bribe amount. Learned counsel submits that the informant forcefully gave the amount in the hand of the petitioner when the Vigilance Trap Team apprehended him. Learned counsel further submits that the petitioner has appeared in Bihar Subordinate Police Services Examination held on 26.12.2021 in view of order dated 12.12.2021 in the present case. Learned counsel further submits that now the charges have been framed against the petitioner and as such the petitioner will not abscond.

Learned counsel for the Vigilance and the informant opposes the bail application.

Learned counsel for the Vigilance submits that bail of Rajesh Kumar has been rejected by order dated 03.02.2022 passed in Cr. Misc. No. 51215 of 2021.

Learned counsel for the petitioner submits that though the bail application of Rajesh Kumar has been rejected, but he has been given liberty to renew his prayer for bail after framing of charge and in the present case charges have been framed, but not a single witness has been examined, on which the learned counsel for the Vigilance submits that the next date in the case is



04.03.2022.

Considering the fact that the petitioner is in custody, charges have been framed and is a person with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No. 18 of 2021, arising out of Vigilance P.S. case no. 21 of 2021 with the condition that in the event, if the petitioner on two consecutive dates does not appear in the trial court, the learned court below shall forthwith cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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