

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60053 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- C.B.I CASE District- Patna

AKHILESH KUMAR SINGH Son of Shri Bhagwan Singh Resident of
Village - Sushila Devi Niwas Ram Nagari Road, Ahisana, P.S.- Rajeev Nagar,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bipin Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with Spl. Case no. 5 of 2021 (arising out of RC 7(A) of 2021) registered under section 7 of the PC Act.

As per the prosecution case, the petitioner is said to have entered the restaurant with co-accused Umesh Prasad. Thereafter, snacks were ordered. After taking snacks it is stated that Umesh Prasad demanded bribe money from the complainant by way of gesture. On the complainant giving an amount of Rs. 10,000/-, Umesh Prasad handed over the same to the petitioner who took the bribe amount, counted with both



hands and kept the same in his left pocket. On the Central Bureau of Investigation ('CBI' in short) team reaching there the bribe amount was thrown by the petitioner under the table.

It is submitted by learned counsel for the petitioner that from the materials on record it would transpire that the complainant happens to be the partner of M/s Domestic Gas Appliances, Chhapra who was having transactions with Umesh Prasad, who was posted as Senior Intelligence Officer, in the Directorate General of GST Intelligence at Patna. The petitioner was neither in the picture nor had he any concern with the informant. No demand had been made by the petitioner. In fact the petitioner was unaware of any dealings or transactions or communications between Umesh Prasad and the informant. Investigation in the case has concluded with submission of charge sheet. The petitioner is in custody since 3.8.2021 and undertakes to cooperate in the trial.

The application for bail is opposed by learned Standing Counsel appearing for the C.B.I who referring to the final report submits that not only the petitioner was present along with the aforesaid Umesh Prasad but the amount of bribe was handed over by Umesh Prasad to the petitioner for counting the same. Further, referring to the submission on behalf of the



petitioner that the petitioner was not aware of the amount being a bribe, it is submitted by learned Standing Counsel that the same is falsified from the contents of the final report wherein it has transpired that soon on the officers of the CBI reaching the place of occurrence, the petitioner threw the amount under the table.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail on framing of charge.

(Partha Sarthy, J)

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