

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61262 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- VIGILANCE District- Patna

MANJU KUMARI W/o Rabindra Kumar Singh Resident of Village - Gosal
Dih, P.S.- Suryapura, Distt.- Rohtas at Sasaram at That time Posted as Child
Development Project Officer, Tarari block, Tarari, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar through the department of Vigilance, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhilesh Dutta Verma, Adv.
For the Opposite Party/s	:	Mr. Arvind Kumar, Adv.
For the Informant	:	Mr. Raju Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Special Case No. 25 of 2021 arising out of Vigilance P.S. Case
No. 31 of 2021 registered for the offence under Sections
7(A) of the Prevention of Corruption Act, 1988 (Amended
2018).

The petitioner is alleged to have made an illegal
demand of Rs. 20,000/- from the complainant, who is said
to be son of one Neelan Devi, who is posted as Angan Bari



Sevike in Bal Vikash Pariyojana, Imadpur East, Center Code-186, for the purpose of approving the purchase register for the period of November, 2020 to June, 2021 and on account of non-fulfillment of the demand being raised by the petitioner, the petitioner while refusing to put signature on the Register also refused to return the purchase register to the complainant. Thereupon, the matter was brought to the notice of vigilance and after due verification, a trap was conducted in which the petitioner was allegedly caught red handed with one Rita Devi and both of them have been remanded to the judicial custody after due procedure.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner happened to be Child Development Project Officer at Trari Block in the year 2018 and during her tenure she has taken note of the illegal practices being adopted by her subordinates in her office and thereon also initiated actions against them and for that reason the petitioner, who is an unfortunate lady, has been trapped in this case. As a matter of fact, one Shailesh Kumar was having personal grudge against the petitioner as because her wife, Arpana



Kumari who was also an Anganwari Sevika against whom the petitioner has taken action for her illegal act and corrupt practices. He further submits that said Shailesh Kumar and the complainant have also filed several complaints before the concerned authorities and the Lokayut prior to lodging of the present complaint. It would be worth mentioning here that upon being satisfied with the explanation given by the petitioner on the allegation of Shailesh Kumar before the Lokayukt, vide order dated 08.02.2021, said Shailesh Kumar was ordered that he should not file such type of fake and frivolous applications in future otherwise necessary action shall be taken against him, this fact is would be evident from Annexure-6 to this petition. He further submits that not a single farthing has been taken by the petitioner nor any demand has been made from anyone for discharge of official duty by the petitioner. Not only that nothing has been recovered from her exclusive possession rather the alleged recovery of alleged amount has been made from one Rita Devi, who is said to be an Anganwari Sevika which is evident from the Exhibit -A of the Post Trap Memorandum itself. He further submits that in absence of any demand or its acceptance and also the recovery, rigors of Section 7 of the



Prevention of Corruption Act, 1988 does not come in to play in this case, more particularly, against the petitioner. The petitioner, who is of no fault, is rotting in judicial custody since 12.08.2021. Hence, the petitioner may be granted the privilege of bail.

Learned counsel for the vigilance has vehemently opposed the prayer for bail of the petitioner and submits that the direct allegation of making illegal demand from the complainant is attributed to her and the amount in question has also been recovered from her possession.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No. 25 of 2021 arising out of Vigilance P.S. Case No. 31 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



by the Court below.

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

(3) The police papers submitted by the vigilance in the Court shall be handed over to the accused-petitioner or the counsel represented on behalf of the petitioner-accused in the court below.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

