

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42623 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- VIGILANCE District- Patna

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Mohammad Sarfuddin Son of Mohammad Saluddin Resident of Village -
Brahmpur, P.S.- Bhagwan Bazar, District - Chapra, At present Prichari, Mines
Office, Mohania, District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar (Through Vigilance) Department, Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53186 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- VIGILANCE District- Patna

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Ranjit Kumar S/O Late Radhe Prasad Resident of Mainpura Devi Sthan, P.S.-
Patliputra, District- Patna at present Clerk in Mining Office, Mohania,
District- Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Department, Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 42623 of 2022)

For the Petitioner/s : Mr. Raj Krishan Jha, Adv.

For the Opposite Party/s : Mr. Arvind Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 53186 of 2022)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv. with

: Mr. Manoranjan Kumar, Adv.

: Mr. Prakash Kumar, Adv.

For the Opposite Party/s : Mr. Anil singh, S.P.P./vigilance

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-12-2022 Let the defect(s), if any, be removed within two weeks

from today.

Heard learned counsel for the petitioners and learned

Spl.P.P. for the Vigilance.

The petitioners seek regular bail in connection with

Special Case No. 42 of 2022 arising out of Vigilance Case No.24 of 2022 lodged under Sections 7(a) (c) and 12 of Prevention of Corruption Act.

As per the prosecution case, the complainant made a complaint alleging that his truck was seized by the Magistrate of Mining Department and with a view to release a demand of Rs. 75,000/- as bribe was made by the petitioners. Petitioner of first case is the clerk in the office and petitioner of second case is the head clerk in the same office. The complainant made complaint before the Vigilance Office about demand of money. Upon verification by the vigilance, the complaint was found true and audio CD of conversation is also available. Subsequently, the money which was handed over to petitioners were properly marked, pre-trap prepared team arrived and both the petitioners were caught red handed. Their fingers of both hands of the accused were washed and become pink from white. Accordingly, both petitioners were arrested after the post-trap memorandum. On the basis of which the present case has been filed.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. Learned counsel for petitioner of first case submits that in the

F.I.R., the petitioner was shown as clerk but actually he is peon and petitioner of 2nd case is head clerk in the office of Mining Department Mohania District- Kaimur. Learned counsel submits that investigation has already been completed and charge-sheet has already been filed. He submits that petitioners are in custody since 31.05.2022. He further submits that no purpose shall be served keeping them in custody. They are ready to face the trial and also ready to appear in the trial on day to day basis. Learned counsel for petitioners has filed a supplementary affidavit and submit in paragraph-3 that they shall not make delay in trial in any manner and also submit that they are not interested to file any application for discharge.

Learned counsel for the Vigilance opposes the prayer for bail and submits that they are the Government servants and till framing of charge, they may not be released and with a view to expedite the trial otherwise either on one pre-text or the other, they shall cause delay in framing of charge.

In the present facts and circumstances of this case and the submissions made above, that the petitioners shall not make any delay in trial and shall follow his undertaking made in supplementary affidavit. let the petitioners above named, be granted 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 Special Judge Vigilance, Patna in connection with Special Case No. 42 of 2022 arising out of Vigilance Case No.24 of 2022, subject to the conditions that they shall appear on every date and non-appearance of any date shall be resulted into cancellation of their bail bond as well as petitioners are also directed to stick on their undertakings given by them in their supplementary affidavit, before this court. Petitioner shall also follow the conditions laid down under Section 437(3) of Cr.P.C.

With this observation, the bail applications stand allowed.

(Dr. Anshuman, J.)

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