

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67405 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- VIGILANCE District- Patna

MD SALAHUDDIN Son of Md. Sharif Resident of Village - Station Road,
Dehri on sone, Dalmianagar, Distt.- Rohtas, Bihar 821305

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Department , Govt. of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar, Advocate
For the State	:	Mr. Tarun Prasad Mandal, A.P.P.
For the Vigilance	:	Mrs. Archana Palkar Khopde, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-04-2022 Heard learned counsel for the parties.

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 a case registered for the
offence punishable under Section 7A of the Prevention of
Corruption Act, 1988.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.06.2021, is a person with clean
antecedent and charge-sheet has been submitted and even
charges have been framed.

The complainant Dhirendra Kumar alleges that he is
holding the post of PACS Chairman, Sarauti PACS, Arwal and
he supplied 270 quintal of rice worth Rs.7,50,000/- on



29.05.2021 to BSFC Ltd. and the money was to be credited in A/c. No. 000950040000 of the PACS but the same was not credited. It is further alleged that the complainant met the petitioner who is Assistant Manager of Walidad Godown of BSFC and requested for making payment on which the petitioner demanded illegal gratification of Rs.25,000/- for preparing the bill and crediting the said amount in the account of the PACS. Accordingly, the matter was triable to the Vigilance and the petitioner came to be arrested after holding inquiry.

Learned counsel for the petitioner submits that petitioner is a government servant and he is in custody since 16.06.2021, charges have been framed, the petitioner will not abscond and has remained in custody for merely more than ten months. It is further submitted that even presuming what has been alleged is true without admitting for the purposes of bail, the allegation still remained in the realm of allegation and it has to stand the scrutiny of trial and in the event of acquittal, how the incarceration of petitioner shall be compensated.

Learned Spl.P.P. for the Vigilance opposes the bail application and submits that there are evidences against the petitioner of demand of Rs.25,000/- by way of illegal



gratification for releasing the aforesaid amount.

Considering the fact that the petitioner is in custody since 16.06.2021, charges have been framed, is a person with clean antecedent and is a government servant, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 17 of 2021 arising out of Vigilance P.S. Case No. 19 of 2021, subject to the condition that during the course of trial, if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial then in that event the learned court below shall forthwith cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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