

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56569 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- VIGILANCE District- Patna

Rajesh Kumar Gupta @ Rajesh Gupta S/O Late Chandrika Prasad R/O
Mohalla- Shivganj, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Cabinet Vililance Department, Bihar Through Its Additional Director
General Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP
For the Vigilance	:	Mr. Anil Singh, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Vigilance
(Patna) P.S. Case No. 40 of 2022 registered for the offence
under Section 7(a) of the P.C. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.08.2022.

The allegation against the petitioner is to accept bribe
of Rs.13,500/- (Rupees Thirteen Thousand Five Hundred) on
behalf of his wife, who is working as a female supervisor in



Child Development Project Office, Gaunaha, District- Patna and while accepting so, trapped by the informant and his team.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is an innocent person and has been falsely implicated in the present case only being the husband of the main accused, namely, Renu Kumari. It is submitted that initially, the raid was conducted in the office and when no such occasion of trap arises thereof, the petitioner and his wife was called from their home and was falsely implicated in the present case. It is further submitted that chargesheet has been submitted without obtaining the FSL report of voice sample, what gathered during the course of trap and also without obtaining the chemical analysis report. It is also submitted that all the witnesses of pre-trap memorandum was tutored and planted with the team of vigilance, where the post-trap memorandum was not, even, prepared at the place of trapping, rather at different place.

Learned Spl. PP for the Vigilance and learned APP for the State, while opposing the prayer of bail, submitted that the voice sample could not be sent for FSL for the reason that petitioner refused to give his voice sample.

In view of the facts and circumstances, as mentioned



above, as chargesheet has been submitted without obtaining chemical analysis report against this petitioner, let the petitioner, above named, is directed to be released on bail, after framing of charge, in connection with Vigilance (Patna) P.S. Case No. 40 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Vigilance), North Bihar, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

It is directed to the learned Trial Court that for framing of charge, if separation of record is necessary, same be step out in accordance with law.

(Chandra Shekhar Jha, J)

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