

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71034 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- C.B.I CASE District- Muzaffarpur

Dayashankar Prasad @ Dya Shankar Prasad S/O Late Radha Krishna Lal R/O
Village- Waini, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Advocate

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 24-01-2022 The applicant/accused in Crime No. 37 of 2021 registered with Vigilance (Patna) Police Station, giving rise to Special Case No.28 of 2021, for the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988, by this application is seeking his release on bail during pendency of the trial.

Heard the learned senior counsel appearing for the applicant/accused. He argued that the entire investigation is based on the documentary evidence and there is no propriety of further pretrial detention of the applicant.

None appeared for the State.

I have considered the submissions so advanced and also perused the materials placed before me including the FIR, pre-trap punchnama as well as post trap punchnama.



The applicant is reported to be the Circle Officer with the revenue department. The allegations against him are to the effect that he has demanded and accepted bribe of rupees fifty thousand for issuing the certificate known as “Dakhil Kharij”. The applicant is alleged to have demanded an amount of illegal gratification to the tune of rupees sixty thousand and ultimately he was caught red handed on accepting an amount of rupees fifty thousand from the complainant.

Investigation of the subject crime is substantially over after the post trap punchnama. It is reported that the applicant is suffering from enlarge prostate and is aged about 59 years for granting him out of turn hearing. The applicant is a government servant and there is no possibility of his being absconder and non-availability for the trial.

In this view of the matter, I see no reason to refuse bail to the applicant and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 37 of 2021 registered with Vigilance (Patna) Police Station, giving rise to Special Case No.28 of 2021, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on



furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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