

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69870 of 2021

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

RITA DEVI Wife of Amarnath Prasad @ Amar Prasad Resident of Village -
Sikraha, P.S. - Sikraha, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshansh Ankit

For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2022 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.

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 co-accused Manju Kumari 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 Sevice 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 co-accused Manju Kumari, the co-accused Manju Kumari 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. Petitioner is not named in the FIR. In fact, the petitioner happened to be Sevika at Trari Block and there is no any allegation against her in the complaint petition as well as in the verification report. Even it is not the case of the vigilance that the petitioner has put and demand of bribe. The petitioner has never demanded bribe from the complainant or his mother. Petitioner is an unfortunate lady, has been trapped in this case. There is no pending work before the petitioner, so demand of bribe cannot be made. He further submits that in absence of any demand or its acceptance, 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 13.08.2021. Hence, the petitioner may be granted the privilege of bail. He further submits that co-accused namely, Manju Kumar has been granted bail vide order dated 25.02.2022 in Cr. Misc. No.61262 of 2021.

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 **after framing of the charges** 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)

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