

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.760 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- VIGILANCE District- Patna

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UMA PRASAD Son of Yogeshwar Prasad Resident of Village- Rohai, P.S.- Karpi, District- Arwa at present posted at Posted Revenue Clerk Cum- Circle Inspector in Dhanarua Block and Resident of Village- Rohai, P.S.- Karpi, District- Arwal.

... .. Petitioner/s

Versus

The Vigilance Bureau, 6 Sarcular Road, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 12-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned Special P.P. for the Vigilance.

The petitioner seeks bail in connection with Vigilance P.S. Case No. 35 of 2021, Special Case No. 33 of 2021 registered for the offences punishable under Section 7(a) of the Prevention of Corruption Act.

As per prosecution case, there is accusation against the petitioner that he demanded Rs. 6,000/- as illegal gratification for doing mutation work in question from the complainant and upon the request of complainant, the petitioner directed to pay Rs. 4000/- as illegal gratification. It is further



alleged that a trap team was constituted and the said team reached at Dhanarua Block Office where petitioner was caught red handed while accepting bribe money in question from the complainant and amount in question was also recovered from the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 07.09.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Learned counsel has filed supplementary affidavit mentioning therein that charge has already been framed vide order dated 06.06.2022 by the concerned court below.

The learned Special Public Prosecutor for the Vigilance opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence, charge has already been framed as submitted through supplementary affidavit and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Vigilance P.S. Case No. 35 of 2021, subject to following conditions:-

(i) One of the bailors shall be wife of the petitioner.

(ii) Petitioner will co-operate in trial and will remain present on all dates and his absence would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked in the concerned police station before the Officer-in-charge on every first Tuesday of the month.

(Alok Kumar Pandey, J)

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