

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3804 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- VIGILANCE District- Patna

SUNIL KUMAR SON OF LATE CHANDRIKA RAM R/O VILLAGE-
DULMA, TOLA- GOSAIPUR, P.O.- DULMA, P.S.- MADHUBAN,
DISTRICT- EAST CHAMPARAN , REVENUE CLERK, GHORASHAN
ANCHAL, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE VIGILANCE DEPARTMENT, BIHAR PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has prayed for bail in a case registered for
the offence punishable under sections 7(a) of Prevention of
Corruption Act, 1988.

As per allegation in the FIR, petitioner has been caught
red handed while accepting the bribe money of Rs. 10,000/-
demanded by him from the complainant in lieu of discharge of his
official duty and prayed for dismissal of the instant petition.

It is submitted by learned counsel for the petitioner that
petitioner has been falsely implicated in this case due to oblique
motive to harass the petitioner. It is further submitted that complaint
was filed on 12.10.2022, verification was done on 17.10.2022



thereafter verification report was submitted by the verifier on 20.10.2022 without any explanation as to why there was delay of more than one week time for submitting the report, which creates doubt in authenticity of the prosecution case. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 22.10.2022.

The application for bail is opposed by learned APP for the State and learned counsel appearing for the Vigilance department and they submitted that all formalities of pre-trap and post-trap were followed by the Vigilance Officer and petitioner was caught red handed by them. Pre-trap memorandum and post trap memorandum were prepared on which complainant, witnesses and members of raiding team put their signatures and copies of the same were handed over to the petitioner.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail after framing of charge. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Vigilance), North Bihar, Muzaffarpur in connection with Special Case No. 30/2022 arising out of Vigilance (Patna) P.S. Case No. 55 of 2022.

However, the trial court is directed to make effort to



frame the charge against the petitioner as early as possible.

(Sunil Kumar Panwar, J)

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