

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9198 of 2023

Arising Out of PS. Case No.-13 Year-2022 Thana- C.B.I CASE District- Patna

Rajanikant Rai Son of Late Lal Bihari Roy, Resident of Digha Ghat, Near
Moti Mahal Apartment, P.S.- Digha, District - Patna.

. ... Petitioner/s

Versus

Central Bureau of India

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Avanish Kumar Singh, Advocate S.P.P., C.B.I.

Mr. Ambar Narayan, Advocate

Ms. Barkha , Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 26-04-2023 1. Heard learned counsel for the petitioner and learned
counsel for the C.B.I.

2. Petitioner seeks regular bail in connection with
CBI/ACB/Patna R.C. Case No. 13(A)/2022 dated 08.12.2022
registered for the offence punishable under Section 7 of
Prevention of Corruption Act, 1988 (as amendment in 2018)
(Special Case No. 06 of 2022).

3. The main submissions advanced by the learned
counsel for the petitioner are that as per allegation the petitioner
was caught red handed while taking bribe of Rs. 30,000/- from



the complainant namely, Ashish Khatri but the said allegation is completely false, in fact petitioner, who was working in the capacity of Chief Goods Supervisor, East Central Railway, Danapur, issued notice to the complainant with regard to the payment of dues which was outstanding on the part of the complainant's company and in the light of the said notice the amount, which is stated to be bribe, was paid by the complainant to the petitioner who was authorized to recover Demurrage/Wharfage Charges in connection with not unloading the goods within the stipulated period and moreover the petitioner has been languishing in jail since 09.12.2022 and till date government sanction has not been granted to prosecute the petitioner for the alleged crime/offence.

4. Learned counsel appearing for the C.B.I. has vehemently opposed the bail prayer and submitted that there is serious allegation against the petitioner and he was caught red-handed while accepting the bribe of Rs. 30,000/- from the complainant and his defence as to his attempt to take outstanding dues from the complainant by sending notice is completely unbelievable as after receiving the alleged bribe amount the petitioner did not issue any receipt to the complainant and the same is sufficient to show his intention to



take the said money as a bribe.

5. Heard both the sides. Though, against the petitioner there is serious allegation of accepting bribe from the complainant but as against him the investigation has been completed and admittedly sanction required to prosecute the petitioner for the alleged crime has not been granted by the concerned authority and petitioner has fair and clean antecedent and most of the witnesses, who are to be examined as prosecution witnesses in the trial of the petitioner, are official persons, so there is no chance of tampering with evidence or witnesses by the petitioner if he is released on bail, hence in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with CBI/ACB/Patna R.C. Case No. 13(A)/2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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