

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9899 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- VIGILANCE District- Patna

Arendra Kumar S/O Chakardhar Prasad Yadav R/O Village- Koparia, P.S-
Salakhua, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms. Archana Pallear Khupda, Spl. P.P., Vigilance

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 29-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Special

Case No. 81 of 2022, arising out of Vigilance P.S. Case No.

65 of 2022, registered for the offences punishable under

Section 7(a) of the P.C. Act.

As per the FIR, the allegation against the petitioner

is that of taking bribe of ₹ 20,000/- from the complainant.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that as per the law, the prescribed

punishment for the alleged offence is three to seven years



and the petitioner is in custody for more than five months.

He further submits that the petitioner has been languishing in jail since 13.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that earlier the petitioner is also made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned Special P.P. for the Vigilance vehemently opposes the prayer of the petitioner for bail and submits that the petitioner is an ASI and was posted in the office of Commandant, under which the complainant was the constable. As such, after release on bail, the petitioner may influence the trial.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Vigilance, Patna, in connection with Special Case No. 81 of 2022, arising out of Vigilance P.S. Case No. 65 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

The Director General of Police is directed to transfer the petitioner to any other district other than Patna so that he cannot influence the trial.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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