

Arising Out of PS. Case No.-635 Year-2022 Thana- WARISLIGANJ District- Nawada

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Munni Lal Paswan Son Of Ramdeo Paswan R/O Village- Parshurampur, P.S.-
Turkauliya, District- East Champaran At Present R/O Warsaliganj P.S.,
District- Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Vigilance Department, Patna Bihar
3. The Inspector General of Police, E.O.U., Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14988 of 2023

Arising Out of PS. Case No.-635 Year-2022 Thana- WARISLIGANJ District- Nawada

Rakesh Singh @ Dhibu Singh @ Rakesh Kumar S/O Ashok Singh @ Ashok Prasad Singh R/O Village- Manjour, P.S- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Vigilance Department, Patna Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3605 of 2023)

For the Petitioner/s	:	Mr.Parth Gaurav, Advocate
	:	Mr. Pratush Pandey, Advocate
For E.O.U.	:	Mr. V.N.P.Sinha, Sr.Advocate
	:	Mrs. Soni Srivastava,Advocate
For Vigilance	:	Mr. Arvind Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 14988 of 2023)

For the Petitioner/s : Mr.N.K.Agrawal, Sr.Advocate
: Mr.Deepak Kumar, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-07-2023 Heard Mr. N.K.Agrawal, learned senior counsel
 appearing for the petitioners, Mr. V.N.P.Sinha, learned senior



counsel appearing for the E.O.U. assisted by Mrs. Soni Srivastava, learned counsel and learned APP for the State in both the applications.

Learned counsel for the petitioners is directed to make necessary correction at Page-1 of the bail petition in course of the day.

The petitioners seek bail in connection with Special Case No.72 of 2002 arising out of Warsaliganj P.S.Case No.635 of 2022, F.I.R. dated 25.10.2022 registered for the offence punishable under Section 213 and 221 of the Indian Penal Code and Sections 7 & 8 of P.C.Act.

Allegation against petitioner Muni Lal Paswan is that he is having connection with a renowned Wine and Sand Mafia with whom he used to give information regarding plan of the police raid and in lieu of the said help he used to take Rs.40,000/- per month from the said Mafia. The informant alleged that one video clip has been seized in which the accused can be seen taking bribe from the said mafia. It is also alleged that in the video clip the face of both persons are clear, who were recognized as petitioners.

Learned senior counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the



present case. Further submits that the allegation as alleged in the FIR is false and fabricated. No such occurrence had taken place. Further submits that that as a matter of fact petitioner-Munni Lal Paswan in the capacity of Secretary of Bihar Police Association, Nawada Branch complained to the President and General Secretary of Bihar Police Association, Bihar and the Additional Director General of Police, Weaker Section, Bihar Patna on 14.09.2022 thereafter the S.P. Nawada had constituted an inquiry against the petitioner and on the basis of the inquiry the present FIR has been instituted and the inquiry was constituted on 24.10.2022 and the report was submitted on 25.10.2022 without giving any opportunity to the petitioner. Further submits that at the instance of the Superintendent of Police, Nawada the present false and fabricated FIR has been instituted against the petitioners and the police, after investigation, submitted chargesheet against the petitioners and petitioner-Munni Lal Paswan is in custody since 26.10.2022 and petitioner-Rakesh Singh @ Dhibu Singh @ Rakesh Kumar is in custody since 04.01.2023 respectively.

Mr. V.N.P.Sinha, learned senior counsel appearing for the E.O.U. assisted by Mrs. Soni Srivastava, learned counsel, has vehemently opposed the prayer for bail of the petitioners



and submits that in the inquiry report it has been found that the petitioners were taking bribe from the person as mentioned in the inquiry as well as in the FIR which was supported during investigation. Further submits that petitioner-Munni Lal Paswan carries one more case and petitioner-Rakesh Singh @ Dhibu Singh @ Rakesh Kumar carries six more cases other than the present one but fairly submits that out of six cases, in five cases, petitioner-Rakesh Singh @ Dhibu Singh @ Rakesh Kumar is on bail and rest one case is pending for consideration, as mentioned in para-3 of the bail petition .

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No.72 of 2002 arising out of Warsaliganj P.S.Case No.635 of 2022, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

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