

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16476 of 2023

Arising Out of PS. Case No.-63 Year-2022 Thana- VIGILANCE District- Patna

Amrit Kumar S/o Late Naresh Prasad Yadav Resident of Village-Bagri, Police Station-Kharik, District-Bhagalpur, at present resident of Village-Amarpur, Police Station-Amarpur, District-Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. The A.D.G. Vigilance, Bihar,

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Yadav, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioner, learned counsel for the Vigilance as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 02.12.2022 in connection with Special (Vigilance) Case No. 29 of 2022 arising out of Vigilance Patna P.S. Case No. 63 of 2022, F.I.R. dated 29.11.2022 for the offences punishable under Section 7(a) of Prevention of Corruption Act, 1988.

According to prosecution case, the complainant



contacted one Akash Kumar and the petitioner for the payment of last installment of the benefit of Pradhan Mantri Awas Yojna already allowed in his favour and in favour of his daughter-in-law and the said Akash Kumar demanded Rs. 10,000/- and the petitioner demanded Rs. 16,000/- as illegal gratification for the same purpose.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is not the sanctioning authority of the amount of any beneficiary under Pradhan Mantri Awas Yojna Scheme and he is not a drawing disbursing authority. He further submits that the petitioner is authorized only to supervise the construction of the house and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.12.2022.

The learned counsel appearing for the Vigilance as well as learned counsel for the State have vehemently opposed the prayer for bail of the petitioner and on the basis of the counter affidavit filed by the Vigilance, he submits that the



petitioner had demanded Rs. 16,000/- as bribe money from the complainant to pay the remaining amount for the complainant and his daughter-in-law, namely, Poonam Devi, under Pradhan Mantri Awas Yojna during the course of verification and the same was recovered from the right fist of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-V-cum-Special Judge (Vigilance), Bhagalpur in connection with Special (Vigilance) Case No. 29 of 2022 arising out of Vigilance Patna P.S. Case No. 63 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

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