

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22048 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- VIGILANCE District- Patna

Santosh @ Santosh Kumar Jha Son Of Late Rajendra Jha Resident Of Village
- Sukhpur, P.O. - Sukhpur, P.S. - Supaul, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Arvind Kumar, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
Spl.P.P for the State.

2. The petitioner seeks bail in connection with Special
(Vigilance) Case No. 01 of 2023 dated 03.01.2023 registered for
the offence punishable under Section 7 (A) of the Prevention of
Corruption Act, 1988 (Amended 2018).

3. The prosecution case, in short, is that on 10.12.2022
informant went to *Anchal* office to enquire about his online
application dated 02.12.2022 for mutation of his name of his
land and met petitioner (*Revenue Karamchhari*) who asked him
to meet co-accused (Data Operator). It is alleged that co-accused
(Data Operator) demanded bribe of Rs 15,000/- and later on
22.12.2022, petitioner (*Revenue Karamchhari*) also agreed with



the said demand made by the co-accused (Data Operator). Thereafter, the informant made a complaint before the Vigilance Investigation Bureau, Patna upon which a pre-trap and post-trap plan was prepared by the Vigilance team. On getting signal from the Vigilance team, the informant handed over Rs 15,000/- G.C. notes to the petitioner. The Vigilance team reached there and apprehended the petitioner with the said G.C.D. notes.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is *Revenue Karamchari*, Kahra Block of Saharsa District. The petitioner's duty is only to collect the revenue of the *Anchal* Office and not to pass order of mutation of the land, so allegation of demanding illegal bribe from the informant is not correct. Admittedly, the petitioner had gone to Land Acquisition Office, Saharsa, and he was not present in the Anchal office on the alleged date of occurrence and the informant met him at Land Acquisition office, Saharsa and the informant requested him to give it to 'Data Operator' Rakesh Ji for his work to be done and as such offence alleged under Section 7 (A) of Prevention of Corruption Act is not attracted against the petitioner. Lastly, it has been submitted that the petitioner is in custody since 05.01.2023, having no criminal



antecedent and charge-sheet has been submitted in the case.

5. Learned Special P.P. (Vigilance) for the State opposes the prayer for bail of the petitioner. As the petitioner was apprehended with the said G.C.D. notes by the Vigilance team, petitioner is not entitled to be enlarged on bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to release the petitioner on bail at this stage.

7. Learned Trial Court is directed to release the petitioner on bail after framing of charge against the petitioner, on the sureties to be fixed by the court below itself on such terms and conditions as it may deem fit and proper.

8. Accordingly, this Criminal Miscellaneous application is disposed of.

(Khatim Reza, J)

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