

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24643 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- BIHPUR District- Bhagalpur

NILAMBAR JHA @ NILAMBAR MISHRA son of Late Rajdeo Mishra
Village- Misrauli Ps- Simri Dist- Darbhanga

.. ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Das
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare
For the Vigilance	:	Mrs. Archana Palkar Khopde

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 06-11-2023 Heard the parties.

2. Learned counsel for the Vigilance filed a counter-affidavit in the Court. Let the same be accepted and kept on record.

3. The petitioner apprehend his arrest in connection with Bihpur (Bhawanipur O.P.) P.S. Case No.05 of 2023, registered for the offence punishable under Sections 420 of the Indian Penal Code and 7(a)(b) of Prevention of Corruption Act.

4. The allegation against the petitioner is that he demanded bribe from one Amit Kumar Jha.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He submits that the brother of the complainant took friendly loan of Rs.20,000/- from



the petitioner in the month of May, 2023 and he returned Rs.10,000/- but when the petitioner demanded the rest amount an altercation took place. Petitioner has one criminal antecedent.

6. Learned APP for the State as well as learned counsel for the Vigilance opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the Vigilance that an audio clip is before the Vigilance Department in which the conversation regarding demand of bribery was recorded and on that basis the petitioner has been made accused.

7. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

8. Accordingly, this application is accordingly, dismissed.

9. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law, considering that the petitioner is going to superannuate in the year 2025.

(Anjani Kumar Sharan, J)

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