

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25480 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- VIGILANCE District- Patna

AWADHESH KUMAR GUPTA Son of Late Bhubneshwar Gupta R/V-
Harinkol, P.O and P.S- Dhamdaha, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha
For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Section 7(A) of the Vigilance Act,
1988 (Amended Act 2018).

As per prosecution case, the informant along with his
seven brothers together on 04.08.2022 purchased one area land
from Shekh Nazrul Haque and others. For mutation of the said
land on 03.12.2022 informant met revenue employee Awadhesh
Kumar Gupta (petitioner) and requested him for mutation then the
petitioner said that if you give Rs. 35,000/- then your mutation will



be done otherwise not. After registration of the case, a proceeding of pre-trap memorandum was started and during the said proceeding, a raid party was constituted and accordingly, all the formality of proceeding was completed, thereafter on 11.01.2023 a raid was conducted at Parora Panchayat Bhawan, Halka office, circle K. Nagar. The petitioner was caught raid handed while accepting the bribe amount of Rs. 35,000/-. The hand of the petitioner was washed in the solution of Sodium Carbonate, then the colour of solution came pink and petitioner was arrested and report of post-trap memorandum was prepared.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner is working as Halka Karmachari of the said Gram Panch Paroras for about 12 years and no departmental complaint against the petitioner either from side of public or from the side of department. He submitted that entire recovery of money from the right hand of petitioner is false and fabricated. There is also vital contradiction in pre-trap and post-trap memorandum, arrest memo and seizure list, which falsely the prosecution case. In fact, petitioner was sitting in the office discharging his duty lawfully the complainant and police party entered in his office keep the amount in his hand forcibly and give the colour of recovery in a trap. The alleged date of trapping i.e.,



on 11.01.2023, the petitioner was at Janta Darbar along with Circle Officer. No such recovery has been made from the possession of the petitioner. He submitted that before lodging the case, the petitioner has refer the mutation matter before the Circle Inspector with objection vide letter dated 04.01.2023 in Case No. 6535/2022-23. He is languishing in judicial custody since 12.01.2023.

The application for bail is opposed by learned counsel for the Vigilance.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Vigilance P.S. Case No. 03 of 2023.

(Sunil Kumar Panwar, J)

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