

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24327 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- BIHPUR District- Bhagalpur

Sonu Kumar Son Of Sri Naresh Mandal R/V- Laxmipur Girdhar, Ps-
Rupouli, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 29601 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- BIHPUR District- Bhagalpur

Sanjeev Kumar S/O- Harish Chandra Sahani Village- Ps- Puraini Bazar Dist-
Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through the Vigilance Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24327 of 2023)

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Arvind Kumar, Vigilance Dept.

For the State : Mr. Navin Kr. Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 29601 of 2023)

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Anil Singh, Vigilance Dept.

For the State : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER



4 10-08-2023

CRIMINAL MISCELLANEOUS No.24327 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bihpur (Bhawanipur) P.S. Case No. 56 of 2023 registered for the offence under Sections 420 and 34 of the Indian Penal Code and Section 7(a)(b) of the Prevention of Corruption Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 08.02.2023.

4. The allegation against the petitioner is to help the main co-accused namely Sanjeev Kumar, in accepting bribe while working as computer operator in Comtech Info Solutions Pvt. Ltd. engaged for preparing/updating Aadhar card, where informant raised allegation to pay Rs. 100/- as a bribe for issuing new Aadhar card in favour of his son Harsh Raj.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case out of local disputes and differences. It is submitted that it is not a trap case, where allegation against this petitioner appears only to help co-accused Sanjeev Kumar, in accepting bribe. It is submitted that there is no recovery from this petitioner and entire implication is based upon electronic



evidence i.e., video clip, where charge-sheet has been obtained without obtaining the mandatory certificate under Section 65-B of the Indian Evidence Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned Law Officers appearing on behalf of the Vigilance Department, submitted that petitioner actively participated in the occurrence.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as charge-sheet has been submitted in this case without obtaining mandatory certificate under Section 65-B of the Indian Evidence Act, where entire implication is based upon electronic evidence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.02.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Bihpur (Bhawanipur) P.S. Case No. 56 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional District and Sessions Judge cum Special



(Vigilance), Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 29601 of 2023

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3. The accused/petitioner is named in the F.I.R. and is in custody since 08.02.2023.

4. The allegation against the petitioner is to accept bribe while working as computer operator in Comtech Info Solutions Pvt. Ltd. engaged for preparing/updating Aadhar card, where informant raised allegation to pay Rs. 100/- as a bribe for issuing new Aadhar card in favour of his son Harsh Raj.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner has been falsely implicated with the present case out of local disputes and differences. It is submitted that it is not a trap case. It is submitted that there is no recovery from this petitioner and entire implication is based upon electronic evidence i.e., video clip, where charge-sheet has been obtained without obtaining the mandatory certificate under Section 65-B of the Indian Evidence Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned Law Officers appearing on behalf of the Vigilance Department, submitted that allegation is specific as to accept bribe of Rs.100/- in terms of F.I.R.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as charge-sheet has been submitted in this case without obtaining mandatory certificate under Section 65-B of the Indian Evidence Act, where entire implication is based upon electronic evidence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.02.2023, accordingly, petitioner, above named, is directed to be released on bail in



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(Chandra Shekhar Jha, J)

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