

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30182 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- VIGILANCE District- Patna

Harish Kumar Son of Shiv Kumar Prasad Resident of Village- Ghosi, Ps-
Ghoshi, , Distt- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Through The Superintendent Of Police, Vigilance
Investigation Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Vigilance
(Patna) P.S. Case No. 61 of 2022 registered for the offence
under Sections 7-A of the Prevention of Corruption Act (P.C.
Act).

The accused/petitioner is named in the F.I.R. and is in
custody since 23.11.2022.

The allegation against the petitioner is to accept bribe
of Rs. 20,000/- (Rupees Twenty Thousand only) and while
accepting so he was trapped with Vigilance Department, where



the bribe was in connection to make recommendation for Rs. 4,00,000/- (Rupees Four Lac only) loan under Chief Minister Entrepreneur Scheme to complainant.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recommendation of petitioner was made already on 21.11.2022 and, as such, there is no occasion to accept bribe of Rs. 20,000/- (Rupees Twenty Thousand only) as alleged on 23.11.2022, which is appearing non-convincing on its face. It is further submitted that as per conversation of audio recording, which is part of the counter affidavit of Vigilance Department, it is appearing that the petitioner was not inclined to accept the bribe rather he recommended for alleged loan without raising any demand. It is further submitted that the charge-sheet has been submitted in this case without obtaining chemical analysis report of fingerprints. It is also submitted that petitioner is working as an Industry Extension Officer since last 4-5 years and he never faced complain like present. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned Spl.P.P. appearing on behalf of the Vigilance Department opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recommendation appears before trap, where petitioner is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Vigilance (Patna) P.S. Case No. 61 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, North Bihar, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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