

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32657 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- VIGILANCE District- Patna

Binod Kumar Singh @ Vinod Kumar Singh, Son of Late Ram Jatan Singh,
Programme Officer, MANREGA, Block - Garkha, District - Saran (Chhapra),
Permanent Address - Salempur, Dumra, Near I.G.I.M.S., P.S.- Shashtri Nagar,
District - Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Vigilance (Patna) through Superintendent of Police, Bihar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate Mr. Raghwendra Pratap Singh, Advocate
For the State	:	Ms. Nirmala Kumari, APP
For the Vigilance	:	Mr. Anil Singh, Law Officer, Vigilance

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Special Case No.4 of 2023 arising out of Vigilance (Patna)
P.S. Case No.8 of 2023 registered for the offences punishable
under Section 7(a) of the Prevention of Corruption Act, 1988
(Amended 2018) and 120B of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 10.02.2023.

4. Allegation against the petitioner is to accept bribe
of Rs.2,20,000/- from the complainant while acting as District



Programme Officer against sanctioning payment of Rs.10 lakhs due to complainant out of three different MANREGA schemes of the district.

5. It is submitted by Mr. N.K. Agrawal, learned senior counsel while appearing on behalf of the petitioner that alleged cash was recovered from the rented house of this petitioner, where petitioner was residing with his family members. It is submitted that petitioner was trapped with only cash of Rs.50,000/- whereas the rest of money was found spread over bed. It is submitted that the finger print of petitioner was not available on each currency note, which clearly suggest that the complainant in connivance with the Vigilance Department implicated petitioner against recovery of heavy cash as alleged. Learned senior counsel further submitted that the petitioner never faced this type of allegation since last 15 years of his service. While concluding argument, it is submitted that investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Mr. Anil Singh, learned Law Officer, Vigilance while opposing the prayer of bail submitted that petitioner was trapped with heavy amount of Rs.2,20,000/-. It is submitted that



a negative presumption be drawn against this petitioner, as he refused to give his voice sample to get it corroborate with audio record what was collected during the course of investigation. He further submitted that petitioner fails to furnish any explanation in support of recovered trap amount of Rs.2,20,000/-.

7. In view of above-mentioned facts and circumstances, as investigation of this case is completed, charge-sheet has already submitted and as there is no further custodial interrogation of this petitioner is required, where petitioner is in custody since 10.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail **after framing of charge** on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Muzaffarpur in connection with Special Case No.4 of 2023 arising out of Vigilance (Patna) P.S. Case No.8 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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