

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33648 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- VIGILANCE District- Patna

BIRENDRA KUMAR @ BIRENDRA KUMAR SINGH @ BIRENDRA JEE
SON OF RAM PRASAD SINGH R/O VILL.- KHAJURI, P.O.- KHAJURI,
P.S.- KARPI, DISTRICT - ARWAL.

... .. PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. THE SUPERINTENDENT OF POLICE, DEPARTMENT OF VIGILANCE,
GOV. OF BIHAR, PATNA BIHAR

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, Addl. Public Prosecutor

For the Vigilance : Mr. Arvind Kumar (Spl. P.P. Vigilance)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 21-09-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 7 a of the P . C . Act and
Section 120 B of the Indian Penal Code.

3. As per the prosecution case, the complainant
alleged that co-accused Dinesh Kumar who is Circle Officer of
the concerned Block demanded illegal gratification of Rs. 1 lakh
for mutation of the complainant's land and the alleged incident



has been recorded in a voice recording device. Further, it is alleged that the co-accused Dinesh Kumar was caught red-handed while receiving the bribe amount of Rs. 1 lakh.

4. It is submitted on behalf of petitioner that the name of the petitioner transpired only on the basis of the audio recording which is based on conjecture and mere suspicion . The petitioner is a private person and has nothing to do with the said case rather the allegation of demand of bribe is against the co-accused Dinesh Kumar (C . O ., Kako , Jehanabad). During investigation no witnesses have uttered even a single word against the petitioner. Petitioner has neither demanded any alleged penny nor accepted the same . From bare perusal of F.I.R., it is apparent that specific allegation for demand of bribe is against co-accused Dinesh Kumar who has already been granted bail by this Court vide order dated 24.04.2023 in Cr. Misc. No. 72746 of 2022 .

5. Learned counsel for the Vigilance opposes the bail petition of the petitioner and submits that this petitioner used to collect the bribe on behalf of the co-accused Dinesh Kumar. He further submits that conversation between the complainant and the accused petitioner and co-accused Dinesh Kumar was secretly audio recorded in the device which was verified by the



SHO Vigilance, Patna . After the investigation, a chargesheet has already been submitted against the co-accused, Dinesh Kumar, and keeping the investigation pending against this petitioner because of lack of sanction for prosecution. He further submits that during the investigation, a notice was sent to this petitioner for his appearance for giving a voice sample , but this petitioner has not appeared in the Bureau.

6. Considering the above submissions of the parties on record, and the fact that this petitioner is a private person and co-accused Dinesh Kumar who was caught with bribe has already been granted bail , in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Special Judge Vigilance , Patna in connection with Vigilance P.S. case no. 52 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure on the following conditions:-

(i) Petitioner shall co-operate to the during investigation and shall make himself available before the Investigating Officer as and when required including providing voice sample .



(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition .

(Prabhat Kumar Singh, J)

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