

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31720 of 2022**

Arising Out of PS. Case No.-24 Year-2020 Thana- BATH District- Bhagalpur

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JAY JAY RAM YADAV S/o Late Narayan Yadav Resident of Village- Hira  
Tol, P.S.- Sahebpur Kamal, District- Begusarai, posted as Sub Inspector of  
Police, Bath police Station, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Department, Govt. of Bihar, Patna.  
Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv  
For the State : Mr.Arvind Kumar, APP  
For the Vigilance Dept. : Mr. Rana Vikram Singh, Spl. P.P. Vigilance

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      08-02-2023              Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks' from today.

Heard Mr. Chandra Shekhar Anand, learned counsel for  
the petitioner, Mr. Arvind Kumar, learned Additional Public  
Prosecutor for the State and Mr. Rana Vikram Singh, learned  
Special PP for the Vigilance Department.

The petitioner seeks regular bail, who is in custody in  
connection with **Special Vigilance Case No. 04 of 2020 arising**



**out of Bath P.S. Case No. 24 of 2020** registered for the offences punishable under Section 384 of the Indian Penal Code and Section 7(a) of the Prevention of Corruption Act, 1988 (As amended in 2018).

It is submitted that the name of the petitioner has been implicated on the basis of a video footage which has been made viral on social media in which it has been shown that while the petitioner was working as Investigating Officer of Bath P.S. Case No. 22 of 2020, he has received bribe for writing favourable diary in favour of the accused persons. It is submitted by learned counsel for the petitioner that there are various discrepancies in search and seizure apart from the fact that protection of electronic evidence has not been followed and it has not been mentioned that from which source the clip was obtained. He has also drawn attention of this court that, the person who has given the money, his statement has not been even recorded by the Investigating Officer, which makes the entire investigation suspicious. He next submits that prior to the institution of the present case there has never been any complaint against the petitioner and he is carrying fair antecedent and moreover he is in custody since 25.01.2022, and now the investigation of the case is already complete and the



chargesheet has been submitted. He next submits that petitioner being a Government Servant, there is no chance of his absconding or tampering with the evidence.

On the other hand, Mr. Rana Vikram Singh, learned Special P.P. for the Vigilance Department while opposing the bail application submits that the clip was sent to the Forensic Science Laboratory and the report thereof shows that the chain of custody has been maintained in producing the video clip to the Forensic Science Laboratory and the examination of exhibits were conducted as per the Standard Operating Procedure. In view of the aforesaid facts, no doubt can be raised upon authenticity of the clip, wherein, the petitioner has been identified while accepting bribe. Further, the case is running for framing of charge.

Regard being had to the submissions made on behalf of the parties and considering the fact that the case is pending for framing of charge, this Court is not persuaded to enlarge the petitioner on bail for the present.

However, it is made clear that learned Trial Court will take all the endeavours to frame the charge as early as possible and after framing of charge, the petitioner would be at liberty to renew his prayer for bail before this Court.



Accordingly, the present bail application stands  
disposed of.

**(Harish Kumar, J)**

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