

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42270 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- C.B.I CASE District- Patna

JITENDRA KUMAR Son of Rampavitra Resident of 202, Road No. 4, Nehru
Nagar, PS- Patliputra- Patna

... .. Petitioner/s

Versus

The State of Bihar through CBI Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sangeet Deokuliar
For the Opposite Party/s :	Mr.Nivedita Nirvikar
For the CBI	Mr. Avinash Kumar Singh, SPP, CBI

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner, learned
SPP for CBI and learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 7 and 8 of Prevention of Corruption Act and Section 120-B of the Indian Penal Code.

The prosecution case as per F.I.R is that Chief General Manager and Regional Officer of the National Highways Authority of India namely Md. Sadre Alam and Mr. Prabhanshu Shekhar, in connivance with General Manager and other officials of M/s Ashoka Buildcon Limited are indulged in clearing inflated bills, manipulation



of measurement books and turning a blind eye to the usage of cheap quality construction materials by the company causing huge loss to the government exchequers and wrongful gains to them. It is alleged against the petitioner that the petitioner being employees of M/s Ashoka Buildcon Private Limited were directly involved in the illegal activities and wrongful gains of the accused persons. It is alleged that the recorded conversation of phone reveals that bribe money was given to the officials of NHAI and that the same was delivered to them by the employees of the company including the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner which could connect the petitioner with the aforesaid crime. It is further submitted that not a single chit of paper has been produced by the prosecution side as an evidence against the petitioner and merely on the basis of suspicion, since petitioner is employees of M/s Ashoka Buildcon, he has been implicated in this case. There is also nothing on record to point out that



the inflated bills were raised by manipulating the measurement books for which the accused has been bribed and in the absence of inflated bills and the manipulated measurement books, the very purpose of initiating prosecution against the petitioner would be futile. The petitioner is not public servants, hence the provision under Section 7 of the Prevention of Corruption Act would not be applicable in the case of the petitioner. It is also submitted that though voice sample has been collected and sent to the forensic examination, but the report with regard to forensic examination of voice sample has not been placed on record which creates doubts in authenticity of the prosecution story. The petitioner is languishing in custody since 6.2.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedents.

Learned counsel appearing on behalf of the C.B.I has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is directly involved in the offence. There is sufficient documentary proof and oral evidence that the petitioner had delivered money to accused, public servants and there is also recording of



telephonic conversation between the petitioner and accused persons. The petitioner is named accused of this case against whom charge-sheet has already been submitted. The petitioner is an employee of M/S Ashoka Buildcon Pvt. Ltd. Working as a driver. He used to deliver the bribe amount to accused persons on the instruction of officials of M/S/ Ashoka Buildcon Pvt. Ltd. Further the recorded conversation between them on 7.7.2022 clearly reveals that accused Prabhanshu Shekhar demanded bribe in code word "Aam" to which Sri. S.C. Rajbhar confirmed to make delivery of bribe through the petitioner by saying that he would send "six plus mangoes" in code word. The petitioner also paid bribe amount of Rs. Ten Lacs to accused Sadre Alam at his residence on 11.8.2022. He again delivered bribe money to the wife of co-accused prabhanshu Shekhar at his house at Patna on 22.8.2022. Petitioner was fully aware about bribe.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each



to the satisfaction of learned Special Judge, CBI-III, Patna
in connection with Special Case No. 04 of 2022, FIR No.
RC0232022A0010 of 2022.

(Sunil Kumar Panwar, J)

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