

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33796 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- VIGILANCE District- Patna

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AJEET KUMAR S/o Late Lalan Ram R/o village- Bind Toli, Madan Lal Ki Gali, P.S.- Town (Arra), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Patna, Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Kumari Jyoti
		Mr. Deepak Kumar
For the Opposite Party/s	:	Mr. Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 02-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special Case No. 27 of 2022 arising out of Vigilance Case No. 19 of 2022, registered for the offences punishable under Sections 7 A of the Prevention of Corruption Act.

The prosecution case as emerging from the FIR is that the complainant, namely, Jai Kumar Singh applied for permission to sell his land and on 16.04.2022. He met with the petitioner who is Head Clerk of Consolidation Office, Udwanatnagar and requested for his work who, in turn, demanded Rs. 5,000/- as illegal gratification for permission



to sell his land.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged offence is punishable under Section 7 A of the Prevention of Corruption Act and for which minimum punishment is three years and maximum is seven years and the petitioner has been languishing in jail since 27.04.2022 i.e. for about nine months. He also submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed till date.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the period of custody and prescribed punishment



for the alleged offence, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Vigilance, Patna in connection with Special Case No. 27 of 2022 arising out of Vigilance Case No. 19 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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