

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36178 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- VIGILANCE District- Patna

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MANTOSH KUMAR @ MANTOSH KUMAR RAM S/O MAHENDRA
RAM @ MAHENDRA RAI R/O Vilage- Hetampur, P.S- Tiyar, Distt.-
Bhojpur at Present Munshi of Revenue Karmachari Sri Niwas Ram, Block-
cum-Circle Office, Jagdishpur, P.S- Jagdishpur, Distt.- Bhojpur at Ara (Bihar).

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Government of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhen Sarkar, Adv.

For the Opposite Party/s : Mr. Arvind Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 1. Heard Ms. Namrata Mishra, learned counsel for the

petitioner, assisted by Mr. Subhen Sarkar, learned counsel for
the petitioner and Mr. Arvind Kumar, learned counsel appearing
on behalf of the Vigilance.

2. Petitioner seeks bail, who is in custody since
02.02.2023, in connection with Special Case No. 2 of 2023,
arising out of Vigilance P.S. Case No.06 of 2023, dated
31.01.2023, for the offences punishable under Sections 7(a) (c)
of the Prevention of Corruption Act, 1988.

3. According to prosecution case, Md. Imran Ali has
purchased a piece of land measuring an area 6.25 decimals from
Vinay Mishra & Vijay Mishra. After purchasing the said land,
he filed application for mutation of his name in the Revenue



Records of Right for which Rs.10,000/- was being demanded by the petitioner, as he did not want to pay the amount, a complaint was made. On receipt of the aforesaid complaint, the Informant went along with the complainant to Block Cum Circle Office, Jagdishpur for verification on 18.01.2023, where he met with the petitioner. As the complainant started conversation with the petitioner about his work, the complainant told that he was send by Birbal Bhaiya and further requested to reduce the amount, however, the petitioner told him that actually the rate is Rs.25,000/- but as he is poor person the work is being done on lesser amount. Thereafter on 01.02.2023 a raiding party caught the petitioner red handed in Blue Haven Resort. Accordingly, the present FIR.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present false and fabricated case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that as per allegation in the F.I.R., the petitioner has demanded Rs. 10,000/- from the complainant and from perusal of the written report, it appears that the petitioner is not a government servant and in fact the



petitioner is working as a Secretary of Gram Kachahari, Jagdishpur. He further submits that the petitioner has no concern at all with the present affair and nothing has been recovered from the possession of the petitioner. He further submits that the petitioner has no concern with the work of the revenue karmchari and the Vigilance after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.02.2023.

5. Learned counsel for the Vigilance on the other hand vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and submits that the petitioner may release after framing of charge.

6. Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Patna in connection with Special Case No. 2 of 2023, arising out of Vigilance P.S. Case No.06 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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