

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35287 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- SURSAND District- Sitamarhi

Md Shahab @ Md Saheb Son of Late Md. Sultan Resident of Village-
Bakarpur, PS- Muffasil, District- Munger at present PTC- 30, District Police
Force, Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35482 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- SURSAND District- Sitamarhi

1. Ajay Kumar Purbey S/O Late Vishwanath Purbey R/O Village- Bhanudih,
P.S- Runnisaidpur, Distt.- Sitamarhi.
2. Dev Narayan Pandey S/O Late Ram Swarth Pandey R/O Village- Birrakh,
P.S- Sursand, Distt.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar through the vigilance, Patna Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35287 of 2023)

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 35482 of 2023)

For the Petitioner/s : Mr. Uday Prakash Shharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Since both the applications arise out of Sursand P.S.

Case No. 129 of 2023, as such, they have been taken up together
and are being disposed of by this common order.

02. Heard learned counsels for the petitioners and
learned APPs for the State.



03. Let the defect (s), if any, as pointed out by the office, be removed within a period of four weeks.

04. In the present case, the petitioners seeks bail in connection with Sursand P.S. Case No. 129 of 2023 registered on 13.03.2023 for the alleged offences under Sections 384 of the Indian Penal Code and Sections 7 and 13 of Prevention of Corruption Act.

05. As per the prosecution case, police received information about a viral video showing members of Anti Liquor Task Force illegally collecting money from a person. On further investigation, police came to know about the petitioners, who were found involved in illegal collection of money in the manner shown in the viral video.

06. Learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioners have been arrested merely on presumption. There is no inquiry about genuineness of the viral video or the person who made it viral. No recovery of any money stated to be illegally collected, has been made from the petitioners. Altogether 12 persons including the In-charge of the team present at the place of occurrence, but no one made complaint to



any superior authority that the petitioners were illegally collecting money and they have been put under suspension without any substantive material against them. No action was taken against the other members of the task force. Further, the viral video appears to be of winter season whereas the FIR was registered in March, 2023. There is no ingredients of the offences mentioned in the FIR. The petitioners are in custody since 14.03.2023 and charge-sheet has been submitted.

07. Learned APPs for the State oppose the prayer for bail of the petitioners submitting that the petitioners were found to be involved in illegally collecting money from the person involved in illicit trade of liquor.

08. Having regard to the submissions made on behalf of the parties and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and further considering the vagueness of allegation and also considering the period of custody as well as submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Special Case No. 07 of 2023



arising out of Sursand (Sitamarhi) P.S. Case No. 129 of 2023
subject to the conditions mentioned in Section 437(3) of the
Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioners.
- (ii) The petitioners will remain present on each
and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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