

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34358 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- VIGILANCE District- Patna

Sanjeev Kumar Son of Late Sri Das Resident of Mohalla- Laheriya Bazar,
Near Murlidhar Kuwan, Ward No. 05, Town Dalsingsarai, PS- Dalsingsarai,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Investigation Bureau Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate
For the C.B.I.(Vigilance): Ms. Archana Palkar Khopde, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Vigilance
P.S. Case No. 07 of 2023 registered for the offence under
Section 7(a) of the Prevention of Corruption Act, 1988 (as
amended in 2018).

The accused/petitioner is named in the F.I.R. and is in
custody since 08.02.2023.

The allegation against the petitioner is to accept the
bribe of Rs. 50,000/- (Rupees Fifty Thousand only) from
informant, while inspecting the construction work of middle



school, at Chaita, block- Tikari, Dist.- Gaya.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is an innocent person and falsely implicated with present case out of office disputes and differences. In support of submission as advanced, learned counsel appearing on behalf of the petitioner pointed out **annexure-2**, where on the basis of report dated 19.12.2022 of petitioner in the capacity of Block Education Officer, a show cause was issued by the department to the persons, namely, Arbind Kumar and Prem Prakash, who are independent witnesses of the trap team. It is submitted that no fingerprints of informant found upon seized note. It is further submitted that without obtaining chemical analysis report, the charge-sheet has been submitted in this case. It is also submitted that petitioner is a man of clean antecedent and never faced this type of allegation since last 29 years. It is also submitted that no other criminal case is pending against this petitioner and as investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned Spl.P.P., while opposing the prayer of bail, submitted that though petitioner appears to be Block Education



Officer, as per telephonic communication, he was also monitoring the work of construction. It is submitted that after compliance of all procedural formalities, the trap was conducted and there is no violation of established rules/regulations.

Considering the facts and circumstances as mentioned above and by taking note of the fact as the report of petitioner appears basis of show cause against the independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.02.2023, accordingly, the above named petitioner is directed to be released on bail in connection with Vigilance P.S. Case No. 07 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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