

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34957 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- DHANARUA District- Patna

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BIRENDRA KUMAR @ BIRENDRA KUMAR SINGH Son of Late Ram
Dhani Resident of Ward No. 1, Chhoti Daulatpur, Shivala, Jamalpur, P.S.-
Jamalpur, District - Munger.,

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Ravish, Adv. Mr.Gopal Krishna Agrawal, Adv. Mr. Amit Kumar Singh, Adv.
For the Vigilance	:	Mr. Rana Vikram Singh, Special PP
For the Opposite Party/s	:	Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 25-01-2023 Heard Mr. Kumar Ravish, learned counsel for the

petitioner and Mr. Rana Vikram Singh, Special P.P. for the

Vigilance as also learned APP for the State.

The petitioner apprehends his arrest in connection
with Dhanarua P.S. Case No. 190 of 2022 instituted under
Sections 384, 385 of the Indian Penal Code and Section 7(a)(b)
(c) of the Prevention of Corruption Act, 1988(Amended by 2018
Amendment Act).

It has been submitted by the learned counsel for the
petitioner that a bare perusal of the case diary would show that
the police submitted charge-sheet against the petitioner without
even sending the audio clip (which is basis for his implication)



to the Forensic Science Laboratory, Patna, as would manifest from para-49 of the anticipatory bail.

Learned Special P.P. for the Vigilance on the other hand has taken this Court to paras 28 and 33 to show that beside the audio clip which is the basis for the FIR, although the number belonged to Vikas Kumar who has already been arrested, so far as this petitioner is concerned, his phone number through C.D.R. also shows that prior to the said audio clip, he had conversation with the daughter of the accused number of times.

So far as the contention made by the learned counsel for the petitioner on the submission of charge-sheet without F.S.L. Report is concerned, learned Special P.P. submits that since the charge-sheet was submitted in September, 2022 itself, he would check with the concerned officials whether any report has come or not and in that event, he will be producing the same in a sealed cover.

As prayed for, list this matter on 6.2.2023.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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