

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37644 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- VIGILANCE District- Patna

SANJAY KUMAR DEV KANHAIYA Son of Purshottam Prasad Deo
Resident of Ward No. 8, Barhea, Near old Thakubari, P.O. and P.S.-Barheta,
District-Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar through State Vigilance, Government of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Apurv Harsh, Advocate Mr. Amit Kumar Jha, Advocate Mr. Manu Tripurari, Advocate Mr. Sujit Kumar, Advocate
For the Opposite Party/s :		Mr.Chandra Bhushan Prasad, APP
For the Vigilance	:	Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-08-2023 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of the State and

learned counsel appearing on behalf of the Vigilance

Department.

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

3. The petitioner seeks bail in connection with
Vigilance (Patna) P.S. Case No. 13 of 2023 and Special Case
No. 09 of 2023 registered for the offence under Section 7(a) of
the Prevention of Corruption Act of 1988

4. The accused/petitioner is named in the F.I.R. and is
in custody since 17.03.2023.



5. The allegation against the petitioner is to accept bribe of Rs. 50,000/- from the complainant while posted as District Programme Officer to settle a complaint in favour of complainant arises out of Mid Day Meal Scheme.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case being one of the member of three men committee which was constituted to inquire into the scam of Mid Day Meal Scheme of the district. It is submitted that to save himself from the inquiry being headed by this petitioner, present false case was lodged with Vigilance Department, Government of Bihar by complainant, where one of his sister, namely Arti Singh and one of cousin brother, namely, Santosh Kumar appears to be witnesses of Post Trap Memorandum. It is also appears that the cousin brother of this petitioner also lodged a case against another member of three men committee, namely Pankaj Kumar, who was District Coordinator of Mid Day Meal Scheme. While travelling over the argument, it is further submitted that the petitioner was not trapped with cash of Rs 50,000/- rather it was shown recovered from the official table of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and never faced these type of allegations



during his entire period of service, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned Law Officer Mr. Anil Singh appearing on behalf of Vigilance Department, Government of Bihar, while opposing the prayer of bail submitted that alleged recovery of Rs. 50,000/- was made from the office of this petitioner, where the cash was recovered from the drawer of the table, which was for use of this petitioner. It is also submitted that in want of independent witnesses, entire trap cannot be looked with tainted class. Learned law officer further submitted that petitioner refused to give his voice sample as to corroborate with audio record which was recorded during the course of investigation, and as such, an adverse presumption be drawn against this petitioner regarding his involvement with present case. While concluding the argument, it is submitted that there is no further need of any custodial requirement of this petitioner.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as seizure list witnesses are appearing relatives of complainant, who appears in inimical terms with this petitioner and also with other



members of the inquiry committee, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.03.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Vigilance (Patna) P.S. Case No. 13 of 2023 and Special Case No. 09 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) North Bihar, Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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