

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36308 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- VIGILANCE District- Patna

TRIBHUVAN SAH Son of Matar Sah Resident of village-Parsauni Kapoor,
P.S.-Patahi, District-East Champaran

... .. Petitioner/s

Versus

The Vigilance Investigation Bureau, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Vigilance P.S. Case No. 09 of 2023 for the offence under section 7(a) of the Prevention of Corruption Act, 1988 (amended 2018) lodged on 13.02.2023 by the informant, Md. Safiullah.

3. As per the prosecution story, the informant has alleged that he retired from Sri Braj Bihari Lal Niketan +2 School, Patti Bokarn, East Champaran (henceforth for short 'the School') as his Last Pay Certificate was not sent to the District Education Officer, East Champaran. He went to the In-charge Principal, the petitioner herein several times, but there was a demand of Rs. 20,000/- for sending the LPC. Left with no option, he complained before the Vigilance, the same was



verified, having found correct and on the day payment was made, caught red handed and arrested. Accordingly, the FIR.

4. It is the case of the petitioner as narrated by Mr. Thakur with the help of paragraph 11 that his LPC was issued much earlier on the basis of which pension papers were prepared, but as the Accountant General, Bihar, Patna had raised objection, the same was to be rectified by the office of District Education Officer, East Champaran and not from his office.

5. Further, the informant had not even given his financial charge and the salary that he had earlier taken was found inflated which was to be adjusted. It is his categorical submission that the In-charge Principal had no role to play in it which was to be done by the office of District Education Officer, East Champaran.

6. He further submits that even the District Education Officer, East Champaran had virtually supported the claim put forward by the petitioner. The last submission is that the petitioner will abide by all the terms and conditions and will be diligently appearing in trial, if released on bail.

7. The Vigilance Department has filed counter affidavit and Mr. Anil Singh has taken this Court to paragraphs 13 and 14 which read as follows:



13. That similarly another letter of office of the Principal Accountant General, Bihar, Patna has also been made part of the FIR which will go to show that the pension of the present complainant was fixed at Rs. 37,800/- but as part of the pension was sold (rupantarit), after deduction of the said amount Rs. 22,680/- per month was fixed as pension December 2022 itself.

14. That it appears that as these two documents were found after institution of FIR i.e. the reason that last line of page-1 and first line of page-2 was added subsequently in the said so called written report filed by the complainant in small words.

8. He submits that the petitioner demanded, verified, the amount was delivered to him, he accepted, caught red handed and only thereafter the FIR was lodged. He as such opposes the prayer for bail.

9. Taking into account the submissions put forward by the respective parties, the petitioner has remained in custody since 14.02.2023 (as stated in paragraph 29 of the petition) i.e. from the day he was caught red handed, he do not have criminal antecedent and as per paragraph 25 of the bail petition, the chargesheet stands submitted on 13.04.2023, is ready to



diligently appear in trial, this Court deems it fit and proper to extend him the relief.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Vigilance, Patna, in connection with Vigilance P.S. Case No. 09 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall be duty bound to surrender his



passport, if he possesses it, before the concerned Court at the time of execution of the bail bond.

11. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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