

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36491 of 2023**

Arising Out of PS. Case No.-5 Year-2023 Thana- VIGILANCE District- Patna

SUNITA DEVI S/O LATE BIKAW PASWAN R/O Village. Ber @ Beri, PS.  
Kusheshwar Asthan, Dist. Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE Bihar, Patna

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                             |
|----------------------|---|-------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Vaishnavi Singh, Advocate<br>Mr. Ritwik Thakur, Advocate |
| For the Vigilance    | : | Mr.Arvind Kumar, Spl. P.P.                                  |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      12-07-2023                      Heard Mr. Ritwik Thakur, learned counsel for the petitioner and Mr. Arvind Kumar, learned Spl. P.P. for the vigilance.

The petitioner is in custody since 24.4.2023 in connection with Vigilance P.S. Case No. 05 of 2023 for the offence punishable under Sections 7(a)/7A of the Prevention of Corruption Act, 1988 (amended in 2018).

The prosecution story, in brief, is that one Bhagendra Narayan Chodhary filed a written application addressed to the Additional Superintendent of Police cum Officer Incharge Vigilance, Police Station, Patna making complain to Sunita Devi, 'Mukhia' of her Gram Panchayat who demanded Rs. 25,000/- as a bribe amount and he further stated that he was



resident of village Bishupur within Ber Panchayat in the district of Darbhanga and he was appointed as Secretary of Ward No. 1 of Ward Execution Committee for better management. The name of the said government scheme under 'Nal Jal Yojana' for providing water to each of the houses for its repair work was being done by 'Muskan' Enterprises. An application was filed in the Panchayat for transferring the amount in the account of Ward Management Committee on 18 January 2023. When he met with 'Mukhia' Smt. Sunita Devi she demanded 10% amount ie. Rs.25,000/- for transferring Rs.2,50,000/-, She further stated that she will transfer the aforesaid amount after accepting Rs. 10% otherwise she will not transfer the same and he did not want to pay the bribe amount.

It has been contended by the learned counsel for the petitioner that entire case has been made out on the basis of false allegation of one local MLA and further the adversaries have been implicated in this case.

It has been submitted that beside the petitioner, his son Rahul Kumar was also made an accused in the matter and almost similar allegation against him who has since been granted bail in Cr. Misc. No. 27116 of 2023 on 23.5.2023.

Let the same be kept on record.



Mr. Arvind Kumar, learned Spl. P.P. opposes the prayer and submits that at least she should be granted bail after framing of the charges.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also that Rahul Kumar has since been released on bail, she is a lady and will ultimately face the trial and is in custody since 24.4.2023 (as stated in para-26 of the bail application) and has no criminal antecedent, Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Vigilance, North Bihar, Muzaffarpur, in connection with Vigilance (Patna) P.S. Case No. 05 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 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 her



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 her bail bonds.

With the aforesaid observations, the application is allowed.

**(Rajiv Roy, J)**

Ravi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

