

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38836 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- VIGILANCE District- Patna

SUSHIL KUMAR Son of Late Kanhaiya Prasad Chakbandi Officer, Dawath, Bikramganj, Distt. - Rohtas, R/o village - Pachim Tola, P.S. - Town Thana Ara, Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kartik Sharma Son of Late Rajendra Prasad Sharma R/o village and post - Piyaniya, P.S. - Udwant Nagar, Distt. - Bhojpur (Ara)
3. The Director General Vigilence, Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Mishra, Advocate
For the Vigilance Dept.	:	Mr. Anil Singh, Spl.P.P.
For the State	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 Heard Mr. Sunil Kumar Mishra, learned counsel for the petitioner, Mr. Anil Singh, learned Special Public Prosecutor for the Vigilance Department and Mr. Madan Kumar, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 23.03.2023 in connection with Vigilance Spl. Case No. 06 of 2023, F.I.R. dated 21.03.2023 for the offences punishable under Sections 7(a) (c), 7A and 12 of P.C. Act.



4. According to prosecution case, the informant who is a clerk at Chakbandi Office Dawath Rohtas, has alleged that this petitioner who is the Chakbandi Officer has asked for illegal gratification of Rs. 12,000/- with regard to due since July 2017 till February 2022.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and the petitioner has never demanded any bribe amount as alleged in the F.I.R from the complainant. He further submits that the petitioner has made accused in the present case without the proper verification inquiry and merely on the basis of the statement made by the informant. He further submits that there is neither recovery nor demand has been established by the complainant and the statement of the complainant regarding the demand of bribe is false and concocted and the petitioner has never demanded any bribe from the complainant. And as per the prosecution, two material witnesses, namely, Keshari Nath Tiwari and Tarkeshwar Tiwari were present at the time of post trap proceeding but they denied to have seen the petitioner



receiving the alleged bribe and the prosecution after completing the investigation submitted the charge sheet and the similarly situated, co-accused, namely, Ajit Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 25.07.2023 passed in Cr. Misc. No. 43651 of 2023. The petitioner is in custody since 23.03.2023.

6. The learned Special Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present case and the petitioner may enlarge on bail after framing of charge. He further submits that the co-accused, Ajit Kumar has been granted bail on the condition that he may be enlarged on bail only after framing of charge.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge XX Hon'ble Judge (Vigilance) at Patna Sadar in connection with Vigilance Spl. Case No. 06 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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