

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36576 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- VIGILANCE District- Patna

Harendra Paswan, Son of Late Asharfi Paswan, Resident of village- Isha Chapra, P.S. - Sahebganj, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Addl. S.P. cum Officer-in-charge, Vigilance Investigation Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinit Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Vigilance	:	Mrs. Archana Palkar Khopde, Advocate
		Mr. Ajay Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Vinit Kumar, learned counsel appearing on behalf of the petitioner and the learned counsel for the Vigilance as well as learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Vigilance P.S. Case No. 11 of 2023 registered for the offences punishable under Sections 7(a)(c), 12 of the Prevention of Corruption Act, 1988.

3. Allegedly, the son of the deceased Chaukidar made a complaint before the A.S.P.-cum-S.H.O., Vigilance Investigating Bureau that in order to get no dues certificate for the purposes of family pension when he visited the office of Circle Officer, Motipur, he was asked to talk to one Harendra Paswan (petitioner). When he talked to Harendra Paswan



(petitioner) on mobile no. 7903870237 he demanded a bribe of Rs.10,000/- for early disposal of the work. Having been verified the aforementioned complaint, a Pre-trap memorandum has been prepared and a raid has been conducted to the office of the Circle Officer, Motipur and from the possession of co-accused Arvind Kumar Ajit (Circle Officer) 18 GC notes of 500 denomination were recovered, which was given by the complainant as bribe. The search of the petitioner was also made, but he was not found present in the office. Subsequently, the present F.I.R. has been instituted.

4. Learned counsel appearing on behalf of the petitioner submits that save and except the allegation that the petitioner had a talk with the complainant, there is no material, neither he was authorized to prepare the No Dues Certificate nor he has been identified by the complainant. Admittedly, at the time of raid, the petitioner was not even present in the office. Furthermore, the petitioner is a contractual employee and had already crossed the age of superannuation and moreover even as per the allegation there is no sufficient ingredients constituting a case much less under Sections 7(a)(c), 12 of the Prevention of Corruption Act The petitioner having fair antecedent undertakes that he will fully cooperate in the investigation and he will



remain physically present whenever his presence would be required during the course of investigation.

5. On the other hand, learned counsel for the Vigilance opposes the bail application and submits that the petitioner had worked as a mediator and there is specific allegation that he demanded bribe for Circle Officer and his complicity cannot be denied.

6. Learned APP for the State also opposes the bail application.

7. Having heard the learned counsel for the parties and taking into consideration the fact that the alleged GC notes have been recovered from the possession of the Circle Officer Arvind Kumar Ajit and the petitioner was not present at the place of occurrence and during the course of investigation save and except the telephonic conversation between the petitioner and the complainant, there is no other substantive material showing his complicity, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds 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 in connection with Vigilance P.S. Case No. 11 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

