

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37217 of 2023

Arising Out of PS. Case No.-630 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Sanjay Kumar @ Sanjay Prasad Son Of Suraj Prasad Resident Of Mohalla
Miscot, Police Station - Town, District - East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar, Patna
2. The Director General Of Police, Vigilance Department, Government Of
Bihar, Patna Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhnanjay Kumar Tiwary, Adv.
For the State	:	Mr. Umesh Lal Verma, APP
For the Vigilance	:	Ms. Archana Palkar Khopde, Adv. Mr. Ajay Kumar Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Dhnanjay Kumar Tiwary, learned counsel

appearing on behalf of the petitioner and Mr. Umesh Lal Verma,

learned Additional Public Prosecutor for the State. Department

of Vigilance is represented by Mr. Ajay Kumar Sharma, learned

counsel.

2. The petitioner apprehends his arrest in connection

with Special Case No. 26 of 2022 arising out of Motihari Town

P.S. Case No. 630 of 2022, registered for the offences

punishable under Sections 7(a) of the Prevention of Corruption

Act, 1988.

3. Allegedly the petitioner and one Krishna Kumar



Singh, who happens to be a Clerk of Registry Office, were found involve in illegal demand of Rs. 1,50,000/- as bribe for getting a piece of land of the complainant unlocked in order to facilitate the registry of the said land and a video of the said negotiation was made by the complainant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is a private person and neither he received the bribe nor he is anyhow related to the execution of the registry work and, as such, the allegation of illegal demand appears to be doubtful. He next submits that co-accused Krishna Kumar Singh, who was working in the registry office and against whom there is specific allegation of illegal demand, has been allowed the privilege of anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 2683 of 2023 *vide* order dated 28.06.2023. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation and wherever his presence would be required, he will remain physically present.

5. On the other hand, learned counsel for the Vigilance vehemently opposed the bail application however, he shown his inability to refute the contention that co-accused person has been allowed the privilege of anticipatory bail.



6. Regard being had to the submissions made on behalf of the parties and considering the fact which manifests that there was only a demand which not resulted into giving and taking of money, coupled with the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Special Case No. 26 of 2022 arising out of Motihari Town P.S. Case No. 630 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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