

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40198 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- VIGILANCE District- Patna

=====

Rana Kumar S/O Late Ratneshwar Prasad Srivastava R/O Village- Goraul
(Kurhani Gaon), Ps. Goraul, Dist. Vaishali, Labour Enforcement Officer, Ara
Sadar, Bhojpur.

... .. Petitioner/S

Versus

The State of Bihar, through its Vigilance, Deptt., Patna Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sidhartha Prasad, Advocate

For the Opposite Party/s : Mr. Rana Vikram Singh, Spl. PP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Spl. PP appearing on behalf of the

Vigilance Department.

Let the defect(s), if any, be removed within a period
of four weeks from today.

Counter affidavit filed on behalf of Vigilance
Department and taken on record.

The petitioner seeks bail in connection with Vigilance
P.S. Case No. 02 of 2023 registered for the offence under
Section 7(a) of the Prevention of Corruption Act, 1988.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.01.2023.



The allegation against the petitioner is to accept bribe of Rs. 10,000/- against sanctioning to grant Rs. 50,000/- under “Financial Assistance of Marriage”, a Bihar Government Scheme, where while accepting bribe, he was trapped by Vigilance Department, State of Bihar.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case as Annexure-2 of the present bail petition, which is showing the status of application of petitioner is suggesting that it was already rejected with reason that the Labour Card is not showing the name of Jyoti Kumari, for whom marriage, Government grant was applied. Learned counsel further pointed out Annexure-3 of the present bail petition, which is a letter dated 27.02.2023, issued from the office of Labour Superintendent, Ara, where specifically in para 8 of the said letter, it is mentioned that the name of two sons and one unmarried daughter of petitioner was added on 15th February, 2023 and if it, was so, then there was no occasion to ask for bribe as alleged on 09.01.2023 the date on which alleged trap was made. It is further pointed out that the trap memorandum not appears to be supported by independent witness and it can be said so for the reason that the witness, namely, Satyendra Nath Rai also



appears to be the subscriber of the present complaint petition and as such, it can be safely said that the present trap case is nothing but an outcome of official disputes and differences, where petitioner victimized without having any cogent material. It is further submitted that the chemical analysis report is still awaited and without said report the charge sheet has been submitted. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned Spl. PP Mr. Rana Vikram Singh, while appearing on behalf of Vigilance Department submitted that petitioner refused to give his voice sample despite court order as to make it corroborate with audio record of his conversation with informant suggesting demand of Rs. 10,000/- as bribe. It is submitted that refusal to give voice sample after court order is to be taken adverse against this petitioner and in support of his submission, he relied upon the report of Hon'ble Supreme Court, in the matter of ***Ritesh Kumar Sinha Vs State of Uttar Pradesh as reported through 2019(8)SCC 1.***

Considering the facts and circumstances as mentioned above and by taking note of fact as name of informant added on



15th February, 2023 much after the present trap, Coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Vigilance P.S. Case No. 02 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

veena/-

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

