

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43651 of 2023

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

AJIT KUMAR @ AJEET KUMAR S/O- Late Shiv Kumar Prasad, R/O-
Village And Post And P.S- Dawath, Bikramganj, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kartik Sharma, S/O- Late Rajendra Prasad Sharma, R/O Village and Post-
Piyaniya, P.S.- Udwant Nagar, Distt.- Bhojpur (Ara).
3. The Director General Vigilance, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Mishra, Adv.
For the State : Mr. Binod Kumar, APP
For the Vigilance Department: Mr. Arvind Kumar, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 25-07-2023 1. Heard learned counsel for the Petitioner, learned
Spl. PP for the Vigilance Department and learned APP for the
State.

2. Petitioner seeks regular bail in connection with
Vigilance Spl. Case No. 06 of 2023 arising out of Vigilance P.S.
Case No. 14 of 2023, dated 23.03.2023 registered for the
offences punishable under Sections 7(a)(c), 7A, 12 of P.C. Act.

3. As per the prosecution, the informant, who is a
Lower Divisional Clerk in Chakbandi Office, Dawath, Rohtas
has alleged that one Chakbandi Officer namely, Shushil Kumar
has asked for illegal gratification of Rs. 12,000/- with regard to
an application of payment of arrear of Rs. 52,884/- which was



due since July 2017 till February 2022.

4. The main submissions advanced by learned counsel Mr. Sunil Kumar Mishra appearing for the petitioner are that admittedly petitioner is not a government employee and he is simply the co-villager of the complainant and he had been residing in the house of complainant for two years and there was a financial dispute in between them owing to which the petitioner has been falsely implicated in the alleged crime by the complainant and as per prosecution two material witnesses namely, Keshrinath 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 moreover the investigation has been completed against the petitioner and he has been languishing in jail since 23.03.2023 having fair and clean antecedent and as per the allegation the alleged bribe money was to be given to the co-accused Sushil Kumar and as per allegation petitioner has simply played the role of mediator.

5. Learned Spl. PP Mr. Arvind Kumar appearing for the Vigilance Department has vehemently opposed the prayer for bail and submitted that in view of the conversation made between this petitioner and the complainant the petitioner played an important role in taking the alleged bribe money from



the complainant and he was caught red handed with the said money and in this regard the transcript of the conversation made in between them has been detailed in the counter-affidavit.

6. Having regard to the facts and circumstances of this case and mainly considering the facts that the petitioner is admittedly not a government employee and as per the prosecution's story the alleged bribe money was to be paid to the co-accused Sushil Kumar and petitioner simply played the role of mediator in receiving the alleged bribe money and bargaining with the complainant and admittedly the investigation has been completed against this petitioner and he has fair and clean antecedent, in my opinion, in the present circumstances, petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Vigilance Spl. Case No. 06 of 2023 arising out of Vigilance P.S. Case No. 14 of 2023.

(Shailendra Singh, J.)

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