

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41011 of 2022

Arising Out of PS. Case No.-315 Year-2021 Thana- ARWAL District- Jehanabad

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MANISH KUMAR THAKUR @ MANISH KUMAR S/o Sri Bipin Kumar
Thakur R/o Village - Mahmadpur, P.S.- Amarpur, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE VIGILANCE DEPARTMENT, GOVT. OF BIHAR, PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Adv. Mr.Hemant Kumar
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad, APP
For the Vigilance	:	Mrs.Archana Palkar Khopde, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-01-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 7 of the P.C. Act 1988 (as Amended in 2018).

Prosecution case in short is that the informant was implicated in a case by his aunt and one Shatrughan Sharma, being the I.O. demanded bribe from the informant to make the case under bailable offence. It is alleged that Shatrughan Sharma and this petitioner were given 10,000/- each.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence.



He has been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against the co-accused Shatrughan Sharma. It is further submitted that the occurrence is said to have taken place on 28.10.2019 but the F.I.R. has been lodged on 07.09.2021 i.e. after a delay of 2 years without giving any plausible explanation. This delay in lodging the F.I.R. itself creates doubt about the prosecution case. Learned senior counsel further submits that there is no evidence against the petitioner to take money from the co-accused. Petitioner has no criminal antecedent.

Learned counsel for the Vigilance opposed the prayer for bail and submits that there is voice recording of the petitioner and other co-accused person regarding the said transaction.

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where
the case is pending/Successor Court in connection with Arwal
P.S. Case No.315 of 2021, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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