

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43851 of 2022

Arising Out of PS. Case No.-688 Year-2021 Thana- ARA NAGAR District- Bhojpur

Dilip Kumar Nirala Son of Shri Basudeo Das, Resident of Village - Genjna,
P.S.- Imamganj, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police through Investigate Beuro Vigilance Bihar,
Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinay Ranjan, Advocate
For the Vigilance	:	Ms.Archana Pallkar Khopde, Advocate
For the Opposite Party/s	:	Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 15-05-2023 The petitioner seeks pre-arrest bail in connection with Special P.S.Case No.04/2022 aising out of town (Ara) P.S.Case No.688/2021, registered for the offences punishable under Sections 420/406 of the Indian Penal Code read with Section 13(a)(b) of the Prevention of Corruption Act, 1988.

Prosecution story, in brief, is that the petitioner while he was posted as Sub-Inspector of Town (Ara) Police Station had demanded illegal gratification of Rs.26,500/- from the informant for evicting the tenant from the newly purchased house of the informant. Informant is not a government official.

The learned counsel appearing on behalf of the petitioner submits that no case under Section 13(a) (b) of the



Prevention of Corruption Act, 1988 is made out in want of any evidence in terms of provisions of Prevention of Corruption Act. No raid was conducted in the present case either by the State Vigilance or by the Central Bureau of Investigation. The petitioner had rather suggested the informant that eviction can only be done by following the process of law and in absence of order of any competent court, any action as demanded by the informant is not under his jurisdiction. Petitioner has clean antecedent.

Learned counsel appearing on behalf of the State Vigilance submits that the State Vigilance has role in the present case, as the investigation is being conducted by the State Police.

Considering the rival submissions made by the parties and the allegation made in the FIR against the petitioner, who is Sub Inspector of Police and the State Vigilance has not collected any material against the petitioner, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special P.S.Case No.04/2022, arising out of



Town (Ara) P.S.Case No.688/2021 dated 26.09.2021, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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