

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45683 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- VIGILANCE District- Patna

SANJIV KUMAR S/O LATE RAM BIRJIT SINGH R/O Mohalla Laxmi
Narayan Nagar, P.S- Mithanpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46426 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- VIGILANCE District- Patna

ANIL KUMAR JAISWAL Son of Late Shivjee Kumar Choudhary Resident
of Mohalla - Akharaghat Road, Near Krishna Cinema, Gali No. 2, P.s. - town,
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar through the Cabinet Vigilance Bureau Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45683 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar

(In CRIMINAL MISCELLANEOUS No. 46426 of 2023)

For the Petitioner/s : Mr. S.D. Sanjay, Sr. Advocate
Mr. Vishal Kumar, Advocate
Mr. Lokesh Kumar, Advocate
Mr. Priya Gupta, Advocate

For the Opposite Party/s : Mr. Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with
Vigilance P.S. Case No. 18 of 2023 registered for the offence
under Sections 7(a)(c), 12 of the Prevention of Corruption Act,
1988 (Amended 2018).



3. As per prosecution case, the petitioners are alleged to have been caught red handed after completing per-trap and post-trap by the vigilance team. Thereafter, from possession of the petitioners total two lakh (2,00,000/-) cash were recovered which is said to be bribe money and the same was demanded by them from the complainant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners are government servants due to which they have falsely been implicated in this case. It is also submitted vide para-13, 14 & 15 of the petition that the FIR is shown to have been registered on 19.4.2023 and the same was received in the Court on 31.4.2023, the delay in sending the FIR to court itself creates doubt about genuineness of the FIR. The alleged post trap raid was allegedly shown to have been conducted at Darbhanga within the premises and near the place where construction work was being done but the so called seizure list witnesses are from Patna. There is no local witness of the alleged post trap memorandum and the petitioners have falsely been made accused. It is also submitted that the reason of false implication of the petitioners is that the informant/contractor has got numbers of other works going on in which various



irregularities were found and pointed out to him by the Executive Engineer and the petitioners. The informant was warned that if he does not change his approach to the work, action may be taken against them for blacklisting, therefore the informant lodged false case against the petitioners. Both the petitioners have got no criminal antecedent as stated in para-3 of their petition. Moreover, the petitioners are languishing in judicial custody since 21.4.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period of the petitioners, this court is inclined to enlarge them on bail. The above named petitioners are directed to be released on bail in connection with Vigilance P.S. Case No. 18 of 2023 (Special Case No. 12 of 2023) on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance, North Bihar, Muzaffarpur.

(Sunil Kumar Panwar, J)

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