

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48087 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- VIGILANCE District- Patna

Subodh Kumar Son of Nawal Kishor Singh R/v- Sabaur, P.S- Sabaur, Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar through the Additional Director General, Vigilance Investigation Bureau, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 18-01-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned counsel for the Vigilance.

The petitioner seeks regular bail in connection with Special Case No.44 of 2022 arising out of Vigilance P.S. Case No.28 of 2022, lodged under Sections 7(a) of the Prevention of Corruption Act, 1988.

As per prosecution case, the allegation against the petitioner has been made under Prevention of Corruption Act on the basis of complaint filed by one Manikant Singh a trap was conducted by the Vigilance team, in which, total Rs.15,000/- was recovered from the possession of petitioner. On the basis of

which, Vigilance P.S. Case No.28 of 2022 was registered against the petitioner.

Learned counsel for the petitioner submits that the petitioner is a lineman posted in the Electricity Supply Division, Fatuha and he has to work only in sub-ordination of his officials and he is in no way related with any documentation. He further submits that petitioner is not the authority rather he is order complier. He also submits that criminal antecedent of petitioner is clean, he is in custody since 21.06.2022. Counsel further submits that charge sheet has already been filed as well as charge has also framed against him. He also submits that he has filed second supplementary affidavit, in which, Annexure-P5 is there, by which, it become crystal clear that charge has already been framed in this case. He further submits that petitioner is ready to support in the trial and in no way he shall delay in trial. Counsel also submits that since charge sheet has been filed as well as charge has been framed then no purpose shall be solved by keeping the petitioner into custody particularly when he is ready to support in the trial.

Learned counsel for the Vigilance submits that the Vigilance has only apprehension that the petitioner after releasing on bail shall start making different tactics with a view

to delay the trial.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No.44 of 2022 arising out of Vigilance P.S. Case No.28 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present

bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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