

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51575 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- VIGILANCE District- Patna

Priya Satsangi Wife of Amit Kumar @ Amit Kumar Mahto Resident of
Muhalla- Khadga Road, Ward No. 2, P.S- Jaynagar, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar through Cabinet Vigilance Bureau, Patna Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Raj, Advocate
		Mr. Kundan Kumar Ojha, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 07-02-2023 Heard the learned counsel for the

petitioner and the learned counsel for the Vigilance

Investigation Bureau.

The petitioner seeks regular bail in
connection with Vigilance P.S. Case No.25 of 2022,
registered for the offence punishable under
Sections 7(a)(c)/12 of the Prevention of Corruption
Act.

The case of the prosecution, in brief,
according to the informant, who is the Additional
Superintendent-cum-SHO, Vigilance Investigation
Bureau, Patna, is that one Hari Prasad Roy
(hereinafter referred as 'the complainant'), who is
a PDS shop dealer of Revra Panchayat under,



Block-Khanpur, District- Samastipur, had filed a written complaint on 12.05.2022 at Vigilance Police Station, Patna alleging therein that the petitioner, who is the Block Supply Officer, Khanpur, District-Samastipur and co-accused person, Sri Rajnish Kumar, the then Block Coordinator, Block-Khanpur, District-Samastipur had demanded bribe from the complainant at the rate of Rs.50/- per quintal on foodgrains allotted under National Food Security Act,2013 and Rs.30/- per quintal over that allotted under the Pradhan Mantri Gramin Kalyan Yojana as also 50 paise per litre of kerosene oil every month and had threatened the complainant that if he does not pay the said bribe amount, he will have to face adverse consequences. It is also alleged that the petitioner had also asked the complainant to pay the bribe amount for the previous seven months and, thereafter, keep making monthly payment at the prescribed rate. In such view of the matter, an officer from the Vigilance Investigation Bureau, Patna was deputed to verify the allegations mentioned in the complaint petition,



whereafter the said officer along with the complainant and the son of the complainant had reached at the block office Khanpur in the District Samstipur and had met the petitioner and co-accused person, namely, Rajnish Kumar, whereupon talks had taken place regarding settlement of the aforesaid bribe amount, which was ultimately settled at a sum of Rs.50,000/- for the outstanding period and the said conversation between the petitioner and the co-accused person with the complainant was secretly recorded by means of an audio device provided by SHO, Vigilance Police Station, Patna and then, Vigilance P.S. Case No.25 of 2022 dated 31.05.2022 was registered against the petitioner and the co-accused person, namely, Rajnish Kumar. A trap team was then constituted and pre-trap memorandum was prepared. The trap team had then gone to the office of the Assistant District Supply Office situated in the campus of D.R.M., Samastipur on 31.05.2022, and then, the complainant and the verifier, i.e. the officer of the



Vigilance Investigation Bureau had gone inside the said office and as soon as the petitioner had demanded bribe money of Rs.50,000/-, the complainant had signaled to the trap team, which had reached inside the office and had caught the petitioner and the other co-accused persons red handed while accepting bribe. It is also alleged that subsequently, the fingers of both hands of the petitioner was washed and the fingers turned pink when put in solution of sodium carbonate showing that the petitioner had handled the bribe money.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is languishing in custody since 01.06.2022. The learned counsel for the petitioner has further submitted that a bare perusal of the post trap memorandum, which starts at page no.46 of the present petition, relevant portion being at page no.49, would show that the bribe money of Rs.50,000/- was not recovered from the petitioner



but from another employee sitting on the chair near the petitioner, who had kept the money beneath his right thigh, hence, the allegation levelled by the prosecution to the effect that the petitioner was caught red handed taking bribe is false. It is also submitted that chargesheet has already been filed and the investigation is over, hence, there is no requirement of custodial interrogation of the petitioner, thus, no prejudice would be caused to the prosecution, in case she is granted the privilege of bail. The learned counsel for the petitioner has also referred to a judgment rendered by the Hon'ble Apex Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation & Anr.** reported in **2022(3) BBCJ 304** to submit that proviso to Section 437 of the Code mandates that when the accused is a woman, the Court is expected to show some sensitivity. Lastly, it is submitted that since the petitioner has joined investigation and is co-operating with the investigating agency, there is no reason to deny bail to the petitioner especially



in view of the fact that the chargesheet has already been filed.

Per contra, the learned counsel for the Vigilance Investigation Bureau has submitted that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime, but he has not denied the fact that the investigation is complete, hence, custodial interrogation might not be now required.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the factum of recovery of bribe money from the petitioner is prima facie doubtful, inasmuch as the bribe money was recovered from one another person sitting near the petitioner, apart from the fact that chargesheet has already been filed, there is no complaint of non-cooperation of the petitioner with the investigating agency and now, custodial interrogation of the petitioner is also not required,



and moreover, the petitioner is having a clean antecedent and is languishing in custody since more than eight months, though I deem it fit and proper to admit the petitioner to the privilege of bail but subject to the condition that the petitioner would appear before the learned trial court on each and every date so fixed in the ongoing case and in case of two consecutive defaults, the present privilege of bail being granted to be petitioner shall stand cancelled automatically and the petitioner shall be liable to be taken into custody forthwith.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance, Muzaffapur in connection with Vigilance P.S. Patna Case No.25 of 2022.

(Mohit Kumar Shah, J)

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