

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55684 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- KOILWAR District- Bhojpur

BABAN KUMAR Son of Anandi Ravat Resident of Village - Dadha Darha,
Jamui, P.S.- Barahat, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director through its Vigilance, Patna, Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55713 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- KOILWAR District- Bhojpur

Narendra Kumar Son of Lalan Kumar R/O Village- Sikariya, P.S.- Jehanabad,
District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director through its Vigilance, Patna, Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55684 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh,APP

For the Vigilance : Mrs. Archana Palkar Khopde, Advocate

(In CRIMINAL MISCELLANEOUS No. 55713 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar,APP

For the Vigilance : Mrs. Archana Palkar Khopde, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-01-2023 Heard Mr. Ashok Kumar Jha, learned counsel for the

petitioners, Mrs. Archana Palkar Khopde, learned counsel for

Vigilance and learned APP for the State.

The petitioners apprehend their arrest in connection

with Koilwar P.S. Case No. 178 of 2022 for the offence

registered under Sections 384, 385 and 34 of the Indian Penal

Code and Section 7 of Prevention of Corruption Act, 1988.



As per the prosecution story, Sub-Inspector of Police cum In-charge of Highway Patrolling made allegation that they were deputed for control over the miscreants who used to realize illegal money and in the process used to obstruct the road. For the said purpose, police constables were deputed, petitioners being one of them.

On 11.03.2022, during noon time, as again there was a traffic jam, the informant as also Sub-Divisional Officer, Arrah were trying to make free passage and smooth movement of the vehicles. However, they found that the vehicles were not moving and as such, both the petitioners were directed to check and see to it that the traffic starts moving. In the mean time, one truck driver came and informed that these two petitioners had taken Rs. 500/- each which was also supported by the another Sepoy, Gajendra Kumar. The truck driver further informed that all these act has been recorded in the mobile. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that on the false allegation of the truck driver, FIR has been lodged against them. Further, they were neither searched nor any recovery made and as such, in view of the fact that they do not have criminal antecedent and will be ultimately facing departmental



proceeding, they deserve relief.

Mrs. Archana Khopde Palkar, on the other hand, submits that not only the petitioners created traffic jam in the presence of the Sub Divisional Officer, Arrah. They further dared to take Rs. 500/- each from the truck driver which the truck driver also alleged to have been recorded. She as such, opposed the prayer for bail.

Considering all the aforesaid facts, so far as the prayer for anticipatory bail is concerned, this Court does not deem it fit proper to extend the same to the petitioners, which is accordingly rejected.

If however, the two petitioners and/or any of them surrenders before the concerned Court within four weeks from today, the Court shall take into account all the facts and try to dispose it of preferably on the same day without being prejudiced by any observation made in the present order.

With the aforesaid observation, the application stands disposed of.

(Rajiv Roy, J)

Jagdish/Neha/-

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