

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56848 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- VIGILANCE District- Patna

PRABHAKAR KUMAR BHARTI Son of Ram Chandra Ram Resident of
Village- Bara, Post Office- Takiya Karpi, P.S.- Mahkar, District- Gaya

... .. Petitioner/s

Versus

STATE VIGILANCE INVESTIGATION OF BUREAU, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
	:	Mr.Rajeev Shekhar, Advocate
For the Vigilance	:	Mr.Arvind Kumar, Special P.P. Vigilance

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Vigilance Police Station Case No. 29 of 2022 for the offence registered under Sections 7(a) Prevention of Corruption Act, 1988 (Amendment 2018).

The allegation is regarding the complainant having informed the Vigilance Investigation Bureau that the petitioner, who is stated to be a Sub-Inspector of Police, was demanding some spare parts of his XUV 500 vehicle, whereafter the Vigilance Investigation



Bureau had constituted a raiding team and on the alleged date and time of occurrence, after preparation of the pre-trap memorandum, the raiding team had conducted search in the room of the petitioner from where they had found three different cartons in which spare parts of XUV 500 vehicle were kept and then the post-trap memorandum was prepared. It is alleged that the petitioner was caught red handed with the spare parts and tax invoices of the same, while accepting the same from the complainant by way of bribe.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 24.06.2022. It is submitted that the spare parts of the XUV 500 vehicle were planted in the office of the petitioner and he has got nothing to do with the same. Nonetheless, it is submitted that the petitioner would co-operate in the trial, to be conducted by the learned Court below and would appear on each and every date so fixed by the learned Court



below.

Per contra, the learned counsel appearing for the Vigilance Investigation Bureau, though has vehemently opposed the prayer for bail but has submitted that the prime concern of the agency is that the petitioner neither tampers with the evidence nor engages in delaying tactics, as far as the trial of the present case, is concerned.

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 those contained in the counter affidavit filed on behalf of the Vigilance Investigation Bureau, this Court finds that considering the fact that the petitioner is having a clean antecedent and is languishing in custody since about seven months, apart from the fact that meagre quantity of spare parts of XUV 500 vehicle have been recovered, which the petitioner denies to be belonging to him or to have been given to him by the complainant, I deem it fit and proper to



admit the petitioner to the privilege of bail, however, it is made clear that in case the petitioner does not appear on each and every date so fixed by the learned trial Court in the ongoing case, the present privilege of bail being granted to the petitioner shall stand cancelled automatically and the petitioner would be taken into custody, forthwith.

Accordingly, the petitioner, above named, is directed to be released on bail 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 Court, Muzaffarpur in connection with Vigilance Police Station Case No. 29 of 2022.

(Mohit Kumar Shah, J)

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