

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62613 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- VIGILANCE District- Patna

LAL BABU YADAV Son of Late Binda Yadav R/o vill - Balli, P.S. -
Hussainganj, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sah

For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-12-2023 Heard learned counsel for the petitioner and learned
counsel for the Vigilance.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 7(a) of the Prevention of Corruption Act.

3. As per prosecution case, the petitioner is alleged to have been caught red handed after completing per-trap and post-trap by the vigilance team while he was demanding and accepting cash of Rs. 1,00,000/- as bribe. The petitioner is I.O. of the case in which the family members of the informant have been made accused for clearing the names of her family members from that case.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is submitted vide para-10 of the petition that section 7(a) of the P.C. Act is made only for illegal gratification if there is some work pending before the person but no any work of the informant was pending before the petitioner. The informant manufactured the story of present FIR with an intention to eliminate the petitioner who is Investigation Officer of Nawada Town P.S. Case No. 179 of 2023 in which family members of the informant are accused. It is also submitted that the charge-sheet has been submitted in this case against the petitioner. He has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he petitioner is languishing in judicial custody since 11.7.2023.

5. Learned counsel appearing for the vigilance has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed**, in connection with Special Case No. 17 of 2023 arising out of Vigilance P.S. Case No. 26 of 2023 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,
Patna.

(Sunil Kumar Panwar, J)

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