

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65659 of 2022

Arising Out of PS. Case No.-9 Year-2019 Thana- VIGILANCE District- Patna

Neel Kamal Son of Sri Naresh Prasad R/o R. M. S. Colony, Road No. 1,
Kankarbagh, Mohalla Kankarbagh, P.S. Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau, North Bihar, Muzaffarpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal
	:	Mr. Kumar Rajdeep
	:	Mr. Arvind Kumar
	:	Mr. Shakti Suman Kumar
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare
For Vigilance	:	Mr. Rana Vikram Singh, Spl PP, Vigilance

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special

Case No. 08 of 2019 arising out of vigilance Police Station

Case No. 09 of 2019, registered for the offences punishable

under Sections 7(a) of the prevention of corruption Act,

1988 (Amended Act, 2018).

The prosecution case as emerges from the FIR is

that the petitioner was posted as B.D.O. in Bochaha Block,

Muzaffarpur and on 20.02.2019, he demanded a bribe of Rs.



50,000/- (Four thousand from each of the beneficiaries) from the complainants, who were selected as beneficiaries under Pradhan Mantri Awas Yojna . The aforesaid matter was thoroughly verified by the Inspector of Police, Vigilance Investigation Bureau.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that nothing has been recovered from the conscious possession of the petitioner. Even as per the allegation, money was not given to the accused-petitioner and as per the best case at the instance of the petitioner, demanded money was given to his driver. As such, there is no allegation of direct receiving of the demanded money and the driver who had allegedly received demanded money, has already been enlarged on bail by a co-ordinate bench of this Court. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 09.09.2022.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail vide Cr. Misc. No. 41115 of 2019 and Cr. Misc No. 28830 of 2020.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sepcial Judge (Vigilance), North Bihar, Muzaffarpur in connection with Special Case No. 08 of 2019 arising out of vigilance Police Station Case No. 09 of 2019, subject to following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his



absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

chandan/-

U		T	
---	--	---	--

