

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65437 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- VIGILANCE District- Patna

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Ajay Prasad S/o Late Bajrangi Prasad Singh R/o Village- Pandarak, P.S.-
Pandarak, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kr. Srivastava, Advocate
For the Opposite Party/s : Mr. Rana Vikram Singh, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 14-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Vigilance
P.S. Case No. 45 of 2022 registered for the offence under
Section 7(a) of the Prevention of Corruption Act, 1988
(Amended 2018).

The accused/petitioner is named in the F.I.R. and is in
custody since 02.09.2022.

The allegation against the petitioner is to accept bribe



of Rs. 18,000/- (Rupees Eighteen Thousand) against the clearance of a bill for an amount of Rs. 80,000/- in favour of M/s Deepak Sri Foundation.

Learned counsel appearing on behalf of the petitioner submitted that the informant having of no locus to raise this issue with Vigilance Department as he is not appearing the beneficiary. It is submitted that there is no complaint on behalf of M/s Deepak Sri Foundation, which is beneficiary of entire transactions, as per F.I.R. It is also submitted that the present informant was coordinator of M/s Deepak Sri Foundation and due to oblique motive having previous enmities, lodged a false complaint with the Department of Vigilance, Government of Bihar. It is also submitted that during the course of trapping several rules/guidelines regard to trapping were not appears to be complied of and, as such, entire trapping process is appearing biased on its face. It is further pointed out that the petitioner is in his retiring age and never faced this type of complaint in his entire career. It is also submitted that no forensic report was obtained against the alleged audio recording, suggesting the conversations regarding payment of bribe amount between informant and petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and



moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned Spl.P.P., Mr. Rana Vikram Singh, appearing on behalf of the Department of Vigilance, while opposing the prayer of bail, submitted that it is not necessary that informant must be the beneficiary as submitted by learned counsel appearing on behalf of the petitioner. It is submitted that entire procedure/guidelines regarding trapping was duly complied in present case. It is also submitted that sanctions to prosecute petitioner has already obtained in this matter. It is further submitted that though report of FSL of audio conversation was not obtained but same was due to petitioner only, as petitioner is not cooperating to provide voice sample as required essentially for forensic examination.

Considering the facts and circumstances as mentioned above and by taking note of nature of allegation, where petitioner is in custody since 02.09.2022, let the petitioner, above named, is directed to be released on bail after framing of charge in connection with Vigilance P.S. Case No. 45 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



of Learned Special Judge, Vigilance, Patna/concerned Court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C.

(Chandra Shekhar Jha, J.)

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