

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66784 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- VIGILANCE District- Patna

=====

Sita Ram Sahni @ Sitaram Sahni, S/O Late Nandlal Sahni, Resident of Village- Chak Bhairo, P.S.- Jandaha, District- Vaishali, presently residing at Flat No. A42, Jagat Bhawan Apartment, S.P. Sinha Road, East Boring Canal Road Patna.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Bihar, Patna, Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Saket Tiwary, Advocate
		Mr. Anurag Singh, Advocate
For the Opposite Party/s	:	Mr. Rana Vikram Singh, Spl. P.P. (Vigilance)

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Heard Mr. Saket Tiwary, learned counsel for the petitioner and Mr. Rana Vikram Singh, learned counsel for the Vigilance Investigation Bureau.

The petitioner seeks regular bail, who is in custody in connection with Special Case No. 55 of 2022, arising out of Vigilance P.S. Case No. 42 of 2022, registered for the offences punishable under Sections 7(a) of the Prevention of Corruption Act, 1988.

The prosecution case is based on a written report filed by the informant/complainant alleging therein that while he was posted as Junior Engineer in Work Division, Aurangabad and proceeding to Buxar, he met with an accident and got his leg



fractured and became even unable to walk due to which he remained absent from his service for a period 03.08.2020 to 02.02.2022. However, on account of non-submission of absentee report by the Assistant Engineer Shri Sita Ram Sahni (petitioner) neither he was paid salary nor Last Pay Certificate was issued. It is further alleged that for putting the counter signature on the absentee report, this petitioner demanded Rs.50,000/- as bribe, whereupon a complaint was filed before the Vigilance Department and after proper verification a raid was conducted by the duly constituted trap team in the rented house of the petitioner and he was caught red handed while demanding and accepting Rs.40,000/- from the complainant.

Learned counsel appearing on behalf of the petitioner submits that the complainant Vinay Kumar was a contractual employee and was working as Junior Engineer with the Work Division, Aurangabad where the petitioner was Assistant Engineer. The issuance of the Last Pay Certificate was responsibility of the Executive Engineer and the petitioner was only obliged to make counter signature over it. He further submitted that the petitioner had no role to play in ensuring the salary to the complainant nor he was authorized to issue Last Pay Certificate. Moreover, neither any application



/representation has filed before the petitioner for issuance of the Pay Slip, apart from the fact that it is the normal conduct of the business that Junior Engineer had to prepare his own attendance and had to submit for counter signature. He further drawn the attention of this Court to the record and submits that the Vigilance Team has not followed the process and the verification, Pre Trap and Post Trap memorandum are defective, more so, the investigation in the instant case is complete and the charge-sheet has been submitted, hence, there is no chance of tampering with the evidence or intimidating/ influencing the witnesses. While concluding his submission, he lastly submits that the alleged offence is punishable with imprisonment for a term, which shall not be less than three years, but which may extend to seven years and now the petitioner, who is having fair antecedent is in custody since 23.08.2022.

On the other hand, learned counsel for the Vigilance while vehemently opposing the prayer for bail submits that the petitioner was caught red handed while accepting bribe of Rs.40,000/- and on washing the hands of the petitioner in the solution of sodium carbonate the colour of solution coloured pink from white, which prima facie found the case true against the petitioner of accepting bribe. He further submits that the



voice script of conversation between the complainant and the accused during course of verification recorded by the verifier clearly shows that the accused made demand of bribe money from the complainant and moreover if the petitioner would be released on bail, the petitioner would not only influence the witness, but would also delay the trial of the case on one pretext or the other, as he may cause delay in receiving police paper and framing charge.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, which, prima facie, shows that the investigation of the crime is complete and the charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, coupled with the period of custody since 23.08.2022 and the fair antecedent of the petitioner, who is a government servant, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No. 55 of 2022, arising out of Vigilance P.S. Case No. 42 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which



are as follows:-

(i) The petitioner will fully cooperate in the investigation/trial and he shall remain physically present at the time of framing of the charge and/or on the dates when his presence would be required.

(ii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iii) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

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

