

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64261 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- VIGILANCE District- Patna

SUNIL KUMAR S/O Mishri Lal Singh R/O- SDO Road, under Killa, Kidzi
Gali, Ward No-15, P.S- Nagar, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Vigilance Dpt. Govt. of Bihar, through Addl. Chief Secy., Suchna Bhawan, New Secretariat, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Prasad Singh, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, A.P.P.
For the Vigilance Dept. :	Mr. Rana Vikram Singh, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Vigilance and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 7(a) of the Prevention of Corruption Act, 1988 (as amended 2018).

According to prosecution case, the informant/complainant alleges that he had applied for mutation of his property before the Circle Office, thereafter it is alleged that petitioner a Revenue employee for getting the mutation done demanded Rs.91,000/-. The informant/complainant accordingly informed the vigilance and the vigilance for confirming the



allegation of demand, deputed a constable Manikant Singh. Further constable along with the informant/complainant met the petitioner and negotiated the demand and accordingly, the petitioner on a chit of paper recorded Rs.50,000/-, thereafter a trap team was constituted and the petitioner was apprehended with Rs.44,000/- and rest Rs.6,000/- was given to middleman Sunil, who fled taking advantage of the crowd.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. is that the co-accused Kumar Manish after counting the same took out Rs.6,000/- handed over to the petitioner. He further submits that the vigilance after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Kumar Manish has been granted bail by a co-ordinate Bench of this Court vide order dated 02.02.2022 passed in Cr. Misc. No. 42257 of 2021. The petitioner is in custody since 06.09.2022.

The learned counsel appearing on behalf of the Vigilance Department and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Vigilance P.S. Case No. 09 of 2021, Special Case No. 7 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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