

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69693 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- C.B.I CASE District- Muzaffarpur

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DINESH MAHTO Son of Late Sahdev Mahto Resident of village-
Madhusudan Pakri, P.S.- Lalganj, District- Vaishali, Mukhiya of Gram
Panchayat Raj Atbarpur Sisoula, Block Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar through the Add. Director, Cabinet Vigilance Investigation
Bureau, Bihar, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Adv.

For the Opposite Party/s : Mr. Arvind Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner and the

learned counsel appearing for the Vigilance Department as

well as learned counsel for the informant.

The petitioner seeks bail in connection with

Vigilance P.S. Case No. 51 of 2022 dated 26.09.2022

registered for the offence under Sections 7(a) of the

Prevention of Corruption Act, 1988.

The petitioner is alleged to have demanded Rs.

1,80,000/- as bribe from the complainant for the purpose

disbursing the bill of the Rs. 18,00,000/- raised against the

construction of building of Panchayat Sarkar Bhawan of Raj

Atbarpur Sisoula Panchayat and accordingly a Post Trap

memorandum was prepared by the prosecution and the



petitioner has been caught red handed with Rs. 2,16,000/-.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the petitioner happens to be the Mukhiya of Gram Panchayat Raj Atbarpur Sisoula and according to the prosecution case, he allegedly demanded Rs. 1,80,000/- as bribe from the complainant for release of Rs.18,56,000/- to be paid in favour of the contractor on completion of Panchayat Sarkar Bhawan. It is also the case of the prosecution that pursuant to the demand made by the petitioner, on the basis of complaint of complainant, the Vigilance Bureau, Patna after verifying the complaint, prepared a pre-trap memorandum and conducted a raid on 28.09.2022 in which the petitioner was caught red handed with Rs. 2,16,000/- kept in a grey bag.

It has been submitted on behalf of the petitioner in defense that though the petitioner has been caught red handed by the vigilance having possession of Rs. 2,16,000/- but it seems strange to connect that since the demand was made to the effect of Rs. 1,80,000/- then as to why the complainant has given Rs. 2,16,000/- as bribe to the



petitioner. It is further submitted that the complainant happens to be a labourer and his total wages was only to the effect of Rs.2286/- which is evident from master roll and the same has already been paid on 05.04.2021, then as to why the complainant was having negotiation with the petitioner for release of the amount of Rs. 18,56,000/- to be paid to the contractor. It is further contended that it is nothing but a gross example of conspiracy arisen out of a political rivalry. It can be assumed that there might be someone else behind the entire episode and the complainant, being a labourer is being driven by some other person just to defame the political career of the petitioner. It is further contended that there is contradiction between the demand and procurement which itself creates doubt over the prosecution version.

It is further contended that the petitioner has never demanded even a single rupee from the complainant and he has been made a victim of circumstance only and the petitioner is rotting in judicial custody since 29.09.2022.

Learned counsel appearing for the Vigilance vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has been caught red handed by



the vigilance. He further submits that the prosecution has submitted charge-sheet but charge has not yet been framed in this case.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 51 of 2022 (Special Case No. 29 of 2022) with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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