

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70935 of 2023

Arising Out of PS. Case No.-02 Year-2023 Thana- VIGILANCE District- Patna

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Bhola Prasad @ Bhola Paswan @ Bhola Paswan Shastri, Son of Chandra Shekhar Azad @ Chandra Shekhar Paswan Junior Engineer, Buxar Block, Buxar. Permanent Resident of Village - Jamauli, Police Station - Rajpur, District- Buxar. At present Renter of Bhartijee, Court Road, Buxar, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar through the Special Vigilance Unit, Patna. Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Opposite Party/s : Mr.Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Special P.S. Case No. 16 of 2023 arising out of Special Vigilance Unit, Patna P.S. Case No. 02 of 2023 registered on 20.03.2023 lodged under Sections 7 of the Prevention of Corruption Act, 1988.

3. As per the prosecution case, F.I.R. has been lodged against the present petitioner alleging that he was demanding Rs. 95,000/- case for preparing measurement book and the police caught red-handed accepting the bribe. Counsel for petitioner submits that the said recovery which has been shown in the F.I.R. has not been made in the presence of the Vigilance. He submits that in any view of the matter, investigation has



already been submitted and charge-sheet has been filed. Therefore, no purpose will be served keeping the petitioner in custody.

4. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 23.06.2023 having clean antecedent. Counsel for the petitioner undertakes that the petitioner will co-operate in the trial in every respect.

5. Learned counsel for the Special Vigilance Unit opposes the prayer for bail and submits that it is true that charge-sheet has already been filed against the petitioner, but only apprehension in the mind of the prosecution that petitioner may not co-operate in the trial.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special P.S. Case No. 16 of 2023 arising out of Special Vigilance Unit, Patna P.S. Case No. 02 of 2023 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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