

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.64896 of 2022**

Arising Out of PS. Case No.-46 Year-2022 Thana- VIGILANCE District- Patna

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RUPESH KUMAR S/o Laxman Prasad Gupta @ Laxuman Prasad @  
Laxuman Prasad Gupta R/o- New Jakkanpur, Shiv Mandir, Gauriya Math,  
P.S.- Jakkanpur, District- Patna (Bihar). At present Rural Housing Assistant  
Panchayat Dhanarua

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Department, Bihar Patna Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 69789 of 2022**

Arising Out of PS. Case No.-46 Year-2022 Thana- VIGILANCE District- Patna

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AWDHESH VERMA S/O ASHOK VERMA Resident of village- Dhanaura,  
P.S.- Dhanaura District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE A.D.G. VIGILANCE PATNA. Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 64896 of 2022)

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Arvind Kumar

For the Vigilance : Mr. Anil Singh

(In CRIMINAL MISCELLANEOUS No. 69789 of 2022)

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. A.G

For the Vigilance : Mr. Anil Singh

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

- 3      13-03-2023      Learned counsel for the petitioners is permitted to  
  
remove defect (s), as pointed out by the office, if any, within a  
  
period of four weeks on resumption of physical mode.



Heard learned counsel for the petitioners and learned counsel for the vigilance as well as learned APP for the State.

The petitioners have preferred this application for grant of regular bail in a case registered under section 7 (a) (c) of the P.C. Act, 1988 ( Amendment Act, 2018) & Section 120 (B) of the Indian Penal Code.

As per the prosecution case, the construction of the house was approved in the name of the informant from Pradhanmantri Awas Yojna, Gramin, for which total Rs. 1,20,000/- was sanctioned. The informant received his 1<sup>st</sup> installment of Rs. 40,000/- on 02.05.2022 and the 2<sup>nd</sup> installment of Rs. 40,000/- was received on 21.07.2022 and for the said amount he has done the construction work. It is further alleged that both the petitioners Rupesh Kumar, Rural Housing Assistant and Awadesh Verma, Ward Member demanded Rs. 15,000/- for the payment of 3<sup>rd</sup> installment as bribe but the informant was not ready to pay the same, therefore he informed the vigilance officials. The vigilance verified the allegations and submitted a report that on 31.08.2022 the informant along with the vigilance official contacted the petitioner Rupesh Kumar for payment of 3<sup>rd</sup> installment for which Rs. 15,000/- was demanded but on request the petitioner Rupesh Kumar agreed to receive



Rs. 12,000/-. It is further alleged that the petitioners Rupesh Kumar and Awadesh Verma received Rs.8,000/- and Rs. 4,000/- respectively as bribe.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have clean antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that the petitioner Rupesh Kumar is a government employee so there is no chance of absconding. The petitioners are in custody since 06.09.2022.

Learned counsel for the vigilance has opposed the bail petition of the petitioners.

Considering the aforesaid facts and circumstances as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Vigilance, Patna, in connection with Special Case No. 61 of 2022 arising out of Vigilance P.S. Case No. 46 of 2022, with condition:-

1. The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bond of the petitioners will liable to be cancelled.

Moreover, the learned court below is directed to expedite the trial of the case and conclude the same within a period of nine months.

The application stands allowed.

**(Chandra Prakash Singh, J)**

guddukr/-

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