

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73903 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- VIGILANCE District- Patna

RAJESH KUMAR S/O Shri. Adalat Rajak R/O Hussainganj, P.S- Barh,
District- Patna-803213, Bihar posted as Grameen Awas Sahayak, Village-
Dariyapur, Block- Mokama, P.S- Hatidah, District- Patna, Bihar-803302

... .. Petitioner/s

Versus

1. The State of Bihar through Vigilance Department, Patna Bihar
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Kumar Singh, Adv.
For the Opposite Party/s : Mr. Arvind Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioner and the
learned counsel appearing for the Vigilance.

The petitioner seeks bail in connection with Special
Case No. 64 of 2022 arising out of Vigilance Patna P.S. Case No. 50
of 2022 registered for the offence under Sections 7(a) of the
Prevention of Corruption Act, 1998.

The petitioner being Grameen Awas Sahayak is alleged
to have demanded Rs. 15,000/- as against bribe from the
informant for release of second installment from the sanction
amount of Rs. 1,20,000/- which was sanctioned against the
construction of house in favour of the informant. It is further
alleged that the petitioner has been apprehended by the vigilance
after conducting a trap team upon verification of the complaint of



the informant.

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 it appears from the F.I.R. itself that the demand in question was raised by the petitioner, who happens to be Grameen Awas Sahayak and the Mukhiya of Driayapur village, but strangely upon verification of the complaint exercised by Sepoy Manikant Singh, Mukhiya against whom complaint was also lodged, has been exonerated with the charges finding it false, which itself creates doubt over the allegation of the informant as once the allegation is found to be false, it would be construed false as a whole. It is further submitted that the petitioner being Awas Sahayak has limited role to play in the disbursement of any of the installments of sanctioned amount of Pradhan Mantri Awas Yojana which is to the effect that he has to click picture of the ongoing construction of the beneficiary and to upload the photographs of ongoing construction on the portal and he has not the authority to disburse any installment in any of the beneficiary. It is further submitted that as a matter of fact, the petitioner is apprehended with bribe amount on 15.09.2022 whereas the second installment to the tune of Rs. 40,000/- has already been disbursed to the account of the informant on 14.09.2022 itself. In this context, it has been submitted that since the demand was



made to release the second installment of the sanctioned amount and the same has also been disbursed then as to why the informant has proceeded with the trap conducted by the prosecution. It is further contended that the entire case is out and out a false and fabricated one and also an outcome of a conspiracy hatched by the informant in connivance with others. He further submits that charge in this case has been framed on 18.04.2017 and now the petitioner is left with not option but to face the trial, therefore, the petitioner, who is made a victim of circumstances, may be enlarged on bail as he has been languishing in judicial custody since 16.09.2022.

Learned A.P.P. for the Vigilance on the basis of material available on record opposed the prayer for bail of the petitioner. He further admits that charge has 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, Patna in connection with Special Case No. 64 of 2022 arising out of Vigilance (Patna) P.S. Case No. 50 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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