

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.72746 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- VIGILANCE District- Patna

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DINESH KUMAR Son of Late Ram Ratan Sharma R/o- Doma Lakhanpura,
P.S- Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Singh, S Pp Vigilance
For the State	:	Mr. Arvind Kumar, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

- 4 24-04-2023 1. Heard learned Sr. counsel for the petitioner,

learned counsel for the Vigilance Department and the learned

APP for the State.
2. Petitioner seeks regular bail in connection with Spl.

Case No.67 of 2022 arising out of Vig. P.S. Case No. 52 of

2022 dated 12.10.2022 registered for the offence(s) punishable

under Section(s) 7(a) of the P.C. Act and Section 120 B of the

Indian Penal Code.
3. As per prosecution, the complainant alleged that

this petitioner, who is Circle Officer of the concerned Block



demanded illegal gratification of Rs.1 lakh for mutation of the complainant's land and the alleged incident has been recorded in a voice recording device. Further, it is alleged that the petitioner was caught red-handed while receiving the bribe amount of Rs. 1 lakh.

4. The main submissions advanced by the learned senior counsel for the petitioner are that the petitioner has retired from his service during his judicial custody period, he is suffering from various life-threatening diseases, against him investigation has been completed and the charge upon him has not been framed on account of no sanction having been granted by the government till date and the petitioner has been sufficiently punished for the alleged wrong and he is ready to co-operate in his trial and he will remain present on every date before the trial court. Further submissions are that the petitioner has been languishing in jail since 14.10.2022 and he retired from his service after having served for 32 years as a government servant and during his service tenure, not even a single complaint was filed against him and he was never subjected to any departmental proceeding.

5. Learned counsel appearing for the Vigilance Department has vehemently opposed the bail prayer and



submitted that the petitioner denied to give his voice sample after he was trapped and if any liberal approach is taken in respect of his prayer then he should be released after the framing of charge.

6. Having considered the above submissions and mainly the facts that the petitioner has retired from his service and investigation has been completed against him and it is mentioned in paragraph no.32 of the petition that he was never subjected to any departmental proceeding or anything else during his service tenure and as per the above submission, the government has not granted sanction to prosecute the petitioner for the alleged wrong, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Spl. Case No.67 of 2022 arising out of Vig. P.S. Case No. 52 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the trial Court .

(ii) 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.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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