

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12471 of 2024

Arising Out of PS. Case No.-32 Year-2023 Thana- VIGILANCE District- Patna

Manoj Kumar S/o Dharambir Prasad Singh R/o Village - Mirdahachak, P.S. -
Harnaut, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 16-04-2024 Heard both parties.

2. The petitioner seeks regular bail in connection
Vigilance P.S. Case No. 32 of 2023 dated 06.10.2023
corresponding to Spl. Case No. 25 of 2023 registered for the
offence under Sections 7(a) of the Prevention of Corruption Act
1988 (as Amended 2018).

3. That the prosecution in brief, the informant made
an application before the Vigilance P.S. alleging therein that for
measurement of his land deposited Rs. 2200/- and measurement
case no. 20/2023-24 and the petitioner is appointed as
Government 'Amin', the petitioner conducted measurement of
the land of the informant but had not submitted measurement
report and for submitting the report, petitioner demanded Rs.



15000/- the informant approached the vigilance and trap team was constituted. In the trap memorandum, the complainant/informant was given G C notes of denomination of Rs 500/- in 30 numbers and trap conducted on 6.10.2023 and the petitioner was caught Hotel Buddh Bihar at Fatuha, Patna High way and in Block Office. The tainted G C notes were recovered from the petitioner and the petitioner was arrested thereafter. On the basis of information/complain a formal F.I.R. bearing vigilance P.S. Case No. 32 of 2023 dated 06/10/2023 was registered against the petitioner under section 7(a) of the PC Act.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any crime and has been falsely been implicated in this case due to dirty village politics. He further alleged that the petitioner is not a regular employee but the petitioner was working as a contractual employee and as such he does not come under the purview of Prevention of Corruption act. He further submitted that the petitioner has 2 criminal antecedents but he has already been granted bail in both the cases and the petitioner is in custody since 07.10.2023.

5. Learned counsel for the Vigilance vehemently



opposed the prayer of bail of the petitioner and submitted that the petitioner is an employee of the government. A trap team was set up and the trap team went along with the verifier. The petitioner was caught with the tainted bundle of notes. His hand was also dipped in Sodium Bicarbonate and it turned pink. Learned Counsel further submitted that the voice recording of the petitioner and verifier was also in custody of the Vigilance and on the basis of the voice recording also it is evident that the petitioner was asking for bribe while talking to the verifier and was demanding bribe of Rs. 15,000/-. Learned counsel further stated that the petitioner has 2 criminal antecedents of cheating and forgery and the basis of above contentions, bail should not be granted to the petitioner.

6. On perusal of FIR, Case Diary, Impugned order dated 03.11.2023 and seizure report, it appears that the petitioner was caught red handed while taking the bribe and the trap team set up by the vigilance, caught the petitioner while he was holding the cash amount in his right hand. The prosecution story is fully supported in the case dairy. The submission made by the petitioner that the petitioner is not a regular employee is also not true as contractual employee are also government employee conducting government function. The petitioner is a



Government ‘Amin’ and hence he is under the purview of the state government. It also appears from the case dairy that the petitioner has directly demanded the bribe from the verifier. Considering the facts and circumstances and seriousness of the offence, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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