

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12602 of 2024

Arising Out of PS. Case No.-28 Year-1997 Thana- VIGILANCE District- Patna

Ramprit Singh @ Ramkrit Singh S/O Late Basudev Singh R/O Village-
Dobhi, P.S- Dobhi, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vigilance Department, Through S.P (Vigilance), Patna, Bihar. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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

ORAL ORDER

4 17-05-2024

Heard both parties.

2. The petitioner seeks regular bail in a case registered for an offence punishable under Sections 420 and 120(B) of the Indian Penal Code and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

3. The prosecution story in brief is that, the accused petitioner Mahesh Prasad-II, the then, Constable (Driver) posted in Mobile Squad Team of Enforcement Office, Gaya under Transport Department along with the other co-accused indulged in illegal selling of a piece of special paper or mobile card at the price of Rs. 110/- to Rs. 250/- (for G.T. Road in the District) and Rs.700/- (for the whole G.T. Road of the



State) valid for one month through the Line Hotel Owners in criminal conspiracy with each other to the Truck drivers passing through G.T. Road. The accused persons used to get commission of Rs. 10/- to 20/- per mobile card for selling it to the Truck driver. On showing the aforesaid mobile cards, the Truck drivers were allowed to pass through the check post on G.T. Road by the Mobile Squad Team of Enforcement Office even though their vehicle's paper were not proper and no fine was imposed on them.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and has not committed any offence and he has been falsely implicated in this case due to official rivalry, only to harass and humiliate the petitioner. He also submitted that there is no specific overt act has been attributed by the petitioner rather there is general and omnibus allegation was made against him. The petitioner is an old person aged about 74 years and is in custody since 15.11.2023.

5. The Learned Special P.P. for the vigilance has vehemently opposed the prayer of bail. The counsel further submitted that the petitioner along with other co-accused persons were involved in corrupt and illegal practice, resulting in wrongful gain to him and this has caused wrongful loss to the



state exchequer. The petitioner was directly involved in the said offence.

6. On perusal FIR, Case Dairy, impugned order dated 03.01.2024, it appears that the petitioner is involved in the alleged offence. On perusal of case diary, it appears that the offence was committed during the year 1993-1994 and various other accused persons were involved in the alleged offence and the petitioner was involved in illegal selling of mobile card at price ranging from Rs.110/-, 250/- to 720/-, for the petitioner was given Rs. 10-20 commission per mobile card. The alleged offence was meticulously planned and various officials were involved including the then Dy. SP (transport dept), SI (transport dept.), line hotel owners of Gaya. All the accused persons and the petitioner worked together in connivance to commit this corrupt and illegal practice.

7. Considering the above facts and circumstances of the case, this is a serious offence and the petitioner and other co-accused persons were involved in causing wrongful loss to the state, and considering the fact that the petitioner was issued non-bailable warrant and process u/s 82/83 of Cr.P.C. was issued by the learned Special Judge, Vigilance, Patna and he was also declared an absconder and the



petitioner was subsequently arrested on 15.11.2023. This is grave and serious offence, as such, I am not inclined to grant bail of the petitioner.

8. Accordingly, the prayer of bail of the petitioner is hereby rejected.

9. However, the petitioner may renew his prayer for bail after examination of two prosecution witnesses.

(Ramesh Chand Malviya, J)

Brajesh
Kumar/Vinayak

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