

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21576 of 2024

Arising Out of PS. Case No.-17 Year-2018 Thana- VIGILANCE District- Patna

Vikash Kumar Jaiswal, Son of Late Bishwanath Choudhary, Resident of
Village- Gokula, P.O.- Gokula, P.S.- Bausi, Distt- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-04-2024 Heard Mr. Sanjeev Kumar, the learned

Advocate for the petitioner and Mr. Arvind Kumar, the

learned Special PP, Vigilance.

2. The petitioner has renewed his prayer for anticipatory bail in connection with Vigilance P.S. Case No. 17 of 2018 dated 18.04.2018, instituted for the offences under Sections 13(2) read with 13(i)(d) of the Prevention of Corruption Act, 1988.

3. The prayer for anticipatory bail of the petitioner was earlier rejected *vide* order dated 20.12.2018 with an observation that if the petitioner would surrender before the Court below and seek bail,



the Court below shall take into account the merits of the case especially that only a bald allegation of demand of Rs. 20,000/- by the petitioner but without any confirmatory proof of the afore-noted demand and no recovery having been made from him and would pass orders in accordance with law without being prejudiced by the fact that his anticipatory bail petition was not entertained in the first instance.

4. It is the case of the petitioner that he was not arrested till the time charge-sheet was submitted. Only after submission of the charge-sheet, he has been summoned to appear before the Court and, therefore, he apprehends his arrest.

5. The learned counsel for the petitioner though has tried to impress upon this Court about the facts of the case which has been dealt with in the order dated 20.12.2018, but ultimately agreed to surrender before the Court below to seek bail.

6. The arguments raised on behalf of the



petitioner is that he was not named in the FIR and that he cannot be held responsible for an unauthorized demand of Rs. 20,000/- by his peon.

7. According to the learned counsel for the petitioner, the offence so far as the petitioner is concerned, appears to be venial and precisely for this reason, he was not taken into custody during the period of investigation.

8. Mr. Kumar, the learned Advocate has also referred to the observations of the Supreme Court in ***Satender Kumar Antil vs. CBI and Another; (2022) 10 SCC 51*** that if there are no chances of an accused absconding or of tampering with the evidence or of not co-operating with the investigation, bail should ordinarily be granted.

9. The petitioner is a government servant, who has been entrusted with onerous responsibility during election times. He had participated in the investigation and had never withheld any information from the



investigating agency. Had it not been true, he would have been arrested as he was without a cover with the rejection of anticipatory bail.

10. It has further been submitted on behalf of the petitioner that he has always co-operated with the investigating agency.

11. Considering the afore-noted aspects of the matter, this Court directs that in case the petitioner surrenders before the Court below and seeks bail, his application shall be considered on its own merits and the Court below taking into account the afore-noted facts, shall pass an order, without being prejudiced by the fact that the petition for anticipatory bail has again been rejected

12. The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Sauravkrsinha/
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