

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45107 of 2024**

Arising Out of PS. Case No.-3 Year-2024 Thana- VIGILANCE District- Patna

Ajit Kumar S/O Ahik Lal Pandit resident of Plot No.14, Bari Cooperative, P.S  
P.O. Sector 12 Bokaro Steel City, Jharkhand and at present, Executive  
Engineer, Electricity Department, Darbhanga, Distt-Darbhangha

... .. Petitioner/s

Versus

1. The State of Bihar through Anti-Corruption Bureau/Vigilance, Patna
2. Anil Kumar Rai S/O Hari Prasad Rai R/O Village- Revra, P.S.-Khanpur,  
Distt- Samastipur

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                                         |
|----------------------------|---|-----------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Bhola Prasad, Advocate<br>Mr. Ravi Ranjan, Advocate<br>Mr. Amarnath Singh, Advocate |
| For the Opposite Party/s : |   | Mr. Arvind Kumar, Spl PP Vigilance.                                                     |

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

4      30-08-2024                      Heard learned counsel for the petitioner and learned  
Spl. PP for the Vigilance Department.

2. The petitioner seeks bail in connection with  
Vigilance P.S. Case No.03 of 2024 dated 02.04.2024, instituted  
for the offence punishable under Sections 7(a)(c) of the  
Prevention of Corruption Act, 1988 (Amended 2018) and  
Section 120-B of the Indian Penal Code.

3. The prosecution case, in brief, is that one Anil  
Kumar Ram filed a complaint before the Officer- In-Charge of  
the Vigilance Investigation Bureau, Patna, stating therein that  
for getting electric connection for his Flour Mill, he applied for  
the same online on 27.02.2024 and he mentioned his



requirement as 19 KW. After applying online, he met co-accused, namely, Rinku Kumari, who is a Technical Assistant, and the petitioner who is Electrical Executive Engineer, along with the estimate prepared by the Junior Engineer, and informed them that he has applied for electric connection of 19 KW. Rinku Kumari told him that Electrical Executive Engineer has demanded rupees thirty thousand for electric connection and if he does not believe, he may directly talk to Electrical Executive Engineer. Thereafter, a complaint was filed before the Vigilance Department and one officer was directed to make verification and on the basis of verification report dated 02.04.2024 certifying the allegation in the complaint, pre-trap and post-trap memorandums were prepared. In the post-trap memorandum, it is alleged that money was given to Rinku Kumari, who after counting the same, gave the same to the petitioner, who was keeping the same in his hand and the raiding team arrested both of them in presence of two independent witnesses.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The petitioner has never demanded any illegal gratification by himself or through any other person from the complainant in discharge of his official duty and in fact, the petitioner has been



made victim of the circumstance created by the present complainant-cum-informant. It is submitted that the informant, his family members and relatives are habitual in filing such kind of frivolous complaint against the government officials for the satisfaction of illegal demand/extortion of money and this fact can be well inferred from the list of the false complaint of likewise nature against various government officials. It is next submitted that as per the information collected, the informant, his brother, father and brother-in-law have lodged about 9-10 cases against the public authorities holding the public office/government office and in all these cases, the complainant Anil Kumar Rai or his father or brother or brother-in-law is either the complainant or the witnesses of the trap proceeding in every case. In this regard, the wife of the petitioner has also submitted a detailed representations before the Director General, the Additional Director General, the Superintendent of Police, Vigilance on 6.4.2024 with a prayer to hold free and fair inquiry of the case. Further, the petitioner is a government official and he has become a victim of the circumstance and ready to fulfill all the conditions whatsoever shall be imposed upon him. It is next submitted that co-accused of this case, namely, Rinku Kumari has been granted regular bail by this Court vide order



dated 26-07-2024 passed in Cr. Misc. No. 40058 of 2024. Lastly, it has been submitted that the petitioner is in custody since 04-04-2024 having no criminal antecedent and charge-sheet has been submitted in the case and investigation is complete.

5. Learned Spl. PP for the Vigilance Department has vehemently opposed the prayer for bail of the petitioner. It is submitted that charge sheet has already been submitted and approval for prosecution against the petitioner has been sanctioned by the competent authority, but, till date charge has not been framed.

6. A counter affidavit on behalf of the Vigilance Investigation Bureau has been filed, wherein, it is stated that after the arrest of the accused persons, when hands of the petitioner were dipped into the solution of Sodium Carbonate, the fingers of the right hand turned pink. The washes/solution was collected and marked Exhibits B to E respectively, which was sealed and signed by the witnesses, complainant and the members of trap team. Thereafter, due to the apprehension of law-and-order problem, the trap team along with the complainant, the witnesses and the petitioner moved to the District Guest House, Darbhanga. Thereafter, the Post-trap



exercise was carried out and post- trap memorandum was drawn up which were signed by the trap team members, complainant and the independent witnesses. Later, the Exhibits have been sent to FSL Patna for examination. In course of investigation, after seeking permission from the learned Special Court Vigilance, Muzaffarpur, the experts of the Vigilance Investigation Bureau, Patna went to Khudi Ram Bose, Central Jail, Muzaffarpur and met the accused persons on 30-04-2024, who are in custody in order to match their voice with the voices captured in recorded conversation, but both the accused persons deliberately refused in writing to give their voice sample.

7. The recovery of tainted G.C. notes are *prima facie* indicative of the facts that the petitioner was apprehended with the bribe money of Rs. 40,000/-.

8. In the aforesaid backgrounds, I am not inclined to grant bail to the above named petitioner. Accordingly, his prayer for bail is rejected.

9. However, the petitioner may renew his prayer for bail after framing of charge.

**(Khatim Reza, J)**

shyambihari/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

