

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57575 of 2023**

Arising Out of PS. Case No.-736 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Md. Masad Alam, aged about 34 years, Gender-Male, S/O Md. Mustaque Alam, Contractor, Registration No. 2160467, R/O Jiynganj, Post- Matkopa, P.S- Kasba, Distt.- Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Vigilance through the Superintendent of Police.

... .. Opposite Parties

**Appearance :**

|                    |   |                                      |
|--------------------|---|--------------------------------------|
| For the Petitioner | : | Mr. Vijay Anand, Advocate            |
| For the Vigilance  | : | Mrs. Archana Palkar Khopde, Advocate |
| For the State      | : | Mrs. Rina Sinha, A.P.P.              |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

7      29-01-2024              Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned counsel for the Vigilance and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with K. Hat (Sahayak) P.S. Case No. 736 of 2023 dated 17.06.2023 registered for the offences punishable under Sections 419, 420, 467, 468, 471 of the I.P.C., Section 7 of the Prevention and Corruption Act and Section 66E of the I.T. Act.

4. As per the prosecution case, the informant being the



Estimating Officer of Rural Works Department, Purnea Division, Purnea, in his written report to the Officer-in-Charge, Sahayak Khazanchi Hat Police Station, Purnea in view of the Memo, Camp 01, Purnea dated 16.06.2023 of the Chief Engineer and Memo No. 688 dated 16.06.2023 of the Superintending Engineer, Works Anchal, Purnea, Rural Works Department, has alleged that in the enquiry report of the above subject noted, in the Viral Video Clips, there was money transaction by the petitioner being the Contractor and the co-accused persons, namely, Bharat Ratan Pandey, Contractor, Sanjeev Maratha, Contractor, Banti, Contractor, Proprietor of M/S. Padama Construction, Ashutosh Kumar Singh, Contractor, Niket Kumar, Executive Engineer, Works Division, Purnea, Rural Works Department, Pankaj Kumar, Accountant, Works Division, Purnea, Rural Works Department and Md. Ahmad Ali, Assistant Accounts Manager, Works Division, Purnea, Rural Works Department. It is further alleged that viral video clips dated 06.05.2023 to 17.05.2023 provided in C.D. were examined and watched on the computer of the Executive Engineer, R.W.D. Department, Purnea and the persons who were shown in the video footage, were identified by the staff of the R.W.D. Department, Purnea Division, Purnea and the



petitioner was shown in the video footage dated 13.05.2023 at serial no. 4 of the chart of inquiry committee prepared on 16.06.2023.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is a registered contractor and he was working in the Department with full satisfaction of the authority. If it is accepted that the allegation as made in the F.I.R., is true, no case under Section 7 of the P.C. Act is made out against the petitioner. It is further submitted that the petitioner was seen in the video footage that handing over the money to the Assistant Accounts Manager of the R.W.D. Department, but the authenticity of the video has not been verified. It is further submitted that the video footage was shot in the cabin of the Executive Engineer and Cashier but at the same time, the inquiry officer accepted that no camera was found/installed in the cabin of the aforesaid officers. It is further submitted that the production-cum-seizure was prepared at the instant of the informant and the pen drive was not produced by the person who shot the video. There is no statutory compliance of Section 65B of the Indian Evidence Act. The petitioner has not given any illegal gratification to the Assistant Accounts



Manager, R.W.D., Purnea Division, Purnea. It is further submitted that no work of the petitioner was pending with the concerned department. Hence, there was no occasion to give the illegal gratification to the co-accused Md. Ahmad Ali, Assistant Accounts Manager, in the concerned department and the said Assistant Accounts Manager never demanded any illegal gratification from the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the Vigilance have opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the Vigilance has further submitted that in paragraph nos.13, 14 and 15 of the case diary, the witnesses have supported the allegation as made in the F.I.R. and have submitted that the authenticity of the viral video has been verified in front of the following officers, namely, Arvind Kumar, Superintending Engineer, R.W.D. Works Division, Purnea, Gopal Krishna Thakur, Executive Engineer, office of the Chief Engineer-1, R.W.D, Patna and Chandra Shekhar Singh, office of the Chief Engineer-2, R.W.D., Patna, in which it was found that the petitioner had made money transaction.

7. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of



learned counsel for the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bhagalpur, in connection with K. Hat (Sahayak) P.S. Case No. 736 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

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