

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65643 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- VIGILANCE District- Patna

PRAVEEN KUMAR S/o- AMIR THAKUR R/o- Basant Kunj Sipahi Tola
Road No-10, Ps- K Hat Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar through vigilance

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-01-2024 Heard learned counsel for the petitioner and learned
counsel for the Vigilance.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 7(b) of the P.C. Act.

3. As per prosecution case, the complainant is a
contractor involved in construction work and he was allotted
work for repairing of hostel at Motihara and same has been
completed by the complainant and had received Rs. 4,42,307/-
on 16.03.2023. The complainant further alleged that the
petitioner has demanded bribe at the rate of 20% of the paid
amount i.e., Rs. 1,35,000/- and the petitioner called the
complainant on 27.05.2023 on complainant's number and asked
to pay the bribe money which the complainant did not wanted to
pay. It is further alleged that the verification was assigned to



P.S.I. and he verified the complaint of the complainant and found the same to be true vide verification report dated 27.06.2023 and after the verification report, then the present case has been lodged.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the allegation in the complaint is that the alleged demand was for a completed work done much prior even the complainant received payment three months before the filing of present complainant, it does not stand to reason as to why the petitioner will demand bribe three months after making payment. Even from the perusal of Post Trap Memo, it is apparent that the petitioner was not inclined to meet complainant on 28.06.2023. He further submitted that the complainant was allotted the work of construction of PCC road inside portion of Divisional Jail, Kishanganj and the construction work was not started by the complainant even after issuance of work order for the negligence the jail authorities as well as District Officer have also expressed dissatisfaction because of that the accused/petitioner being the executive engineer had issued warning letter on 10.05.2023 directing the complainant that he must complete his work as per the provision



and also threatened that for any adverse circumstances the complainant will be held responsible. The complainant being annoyed with this has apprehended that he will not get any work in future in this division so he fabricated the present case on false pretext because he any how wants to remove the petitioner from the building division, Kishanganj. The so called independent witness of instant case are concern they are creation and fixtures of the complainant in connivance with the Vigilance Officials as both the so called independent witnesses namely Rohan Kunal and Saddam Hussain are friends of complainant as they are connected on Facebook as common friends with each other. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 29.06.2023.

5. The application for bail is opposed by learned counsel for the Vigilance and submitted that the petitioner was caught red handed and recovered as alleged bribe money after completing the procedures of Pre and Post Trap Memo.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge Vigilance-cum-Additional Sessions Judge-V, Bhagalpur, in connection with Vigilance P.S. Case No. 24 of 2023.

(Sunil Kumar Panwar, J)

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