

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68936 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- BARACHATTI District- Gaya

Rakesh Kumar Ranjan Son Of Late Jagarnath Singh Resident Of Sat Sang Vihar Colony, Kajichak, Post-Chanchaura, P.S.-VISHNUPAD, Naili, Gaya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau, Bihar Through Its Director General, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gyan Shankar
For the Opposite Party/s	:	Mr.Kumar Veerendra Narayan Mr. Anil Singh,

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 08-05-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned Spl. P.P. for the vigilance, Shri. Anil Singh.

 2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 7, 13 and 15 of the Prevention of Corruption Act.

 3. The learned counsel appearing on behalf of the petitioner submits that petitioner has antecedent of one case and has been falsely implicated in the instant case based on suspicion. It is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion as the informant alleges that



on direction of the District Magistrate of the district, the instant FIR came to be instituted with an allegation that an audio went viral and after hearing the audio, it appeared that the petitioner, who is Head Assistant, Barachatti Circle Office, was asking for bribe of Rs. 30,000/-. The learned counsel submits that it absolutely does not stand to reason that on what basis the instant FIR came to be instituted even without holding a preliminary inquiry as to whether it was the petitioner who was asking for bribe from a beneficiary or someone in the name of petitioner was seeking bribe with an intention to implicate the petitioner. It is also submitted that the case was instituted under the Prevention of Corruption Act and the Sub-Inspector of a police station is not empowered to investigate cases relating to vigilance. It is further submitted at the cost of repetition that entire allegation hinges around suspicion.

4. The learned Spl.PP for the vigilance submits that no doubt based on suspicion, the petitioner has been implicated but then the investigation of the case is pending and in the event if the petitioner has granted the privilege of anticipatory bail, he may tamper with the evidence on which learned counsel appearing on behalf of the petitioner submits that petitioner will not interfere with the investigation rather will cooperate in the



investigation and will present himself as and when required.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barachatti P.S. Case No. 164 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, if any application is filed on behalf of the investigating agency before the learned trial court bringing to its notice that petitioner despite giving assurance to this court is not cooperating in the investigation or is not presenting himself as as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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