

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80143 of 2024

Arising Out of PS. Case No.-566 Year-2024 Thana- DEHRI TOWN District- Rohtas

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Tushar Ghosh S/o Late Ajoyendra Krishna Ghosh Resident of P.N. Sinha
compound, Bhikhana Pahari, P.S.- Pirbahore, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Adv.
For the State	:	Mr. Rajiv Nayan, APP
For the Vigilance	:	Mr. Rana Vikram Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Vigilance.

2. The petitioner apprehends his arrest in connection with Special Case No.8 of 2024, arising out of Dehri Town P.S. Case No. 566 of 2024 registered for the offences punishable under Sections 61(2) and 238 of the Bharatiya Nayay Sanhita (B.N.S.) and Section 7(a) of the P.C. Act.

3. As per the prosecution case, the petitioner while working as a Head Clerk of Police Office, Dehri, allegedly used to seek bribe of 10% of the T.A. Bill from the police constables, before clearing their T.A. Bills. Later, upon investigation, it was discovered that petitioner had received 10% of T.A. Bill from other police officials too.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is without any basis



or material fact. He submits that even if the offences, as mentioned in the F.I.R., are taken to be true, the maximum punishment for the alleged Sections is imprisonment upto seven years and same is considered to be in light of *Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273*. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned counsel for the Vigilance opposes the prayer for bail and submits that the informant did the duty in the year 2020, but till July 2024 his T.A. bill was not passed by the petitioner due to non-payment of bribe to him. He even submitted that there is 1213 times phone calls exchange and 33 SMS between the petitioner and the husband of Khusi Kumari, namely, Sunil Kumar, which shows there is a link between the petitioner and Khusi Kumari, and her Bank account was used to received 10% of T.A. Bill amount as bribe. Lastly, He submits that the learned Court of Special Judge, Vigilance, has rightly rejected the anticipatory bail of the petitioner.

6. Considering the facts and circumstances of case, arguments of the parties and from the impugned order, it could be observed that in the case diary other police officials including witnesses therein supported the case of prosecution, thus, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.



7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the ratio laid down by the Hon’ble Apex Court in the case of *Satendra Kumar Antil vs. Central Bureau of Investigation & Anr* reported in *(2022) 10 SCC 51*.

(Anjani Kumar Sharan, J)

anand/-

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