

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86141 of 2023

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

Subhash Kumar Jaiswal @ Bonti Son Of Late Jay Prakash Jaiswal Mohalla-
Adarshnagar Rambag PS -Purnia Sadar District- Purnia Petitioner
Versus

1. The State of Bihar
2. The Additional Director, Vigilance Dept. Govt. Of Bihar, Patna Bihar
... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Rashmi, Advocate
For the Vigilance : Mrs. Archana Palkar Khopde, Advocate
For the State : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mrs. Kumari Rashmi, learned counsel for the
petitioner, Mrs. Archana Palkar Khopde, learned counsel
appearing on behalf of the Vigilance, and Mr. Bharat Lal, learned
APP for the State.

2. The petitioner is apprehending his arrest
connection with K. Hat (Sahayak) P.S. Case No. 736 of 2023
(Special Vigilance Case No. 12/2023), F.I.R. dated 17.06.2023
registered for the offences punishable under Sections 419, 420,
467, 468, 471 of the Indian Penal Code and under Section 07 of
the Prevention of Corruption Act and under Section 66(E) of the
I.T. Act.

3. As per the prosecution case, the informant beign 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 noted subject, in the Viral Video Clips, there was money transaction by the petitioner being the Contractor and the co-accused persons, namely, Sanjeev Maratha, Contractor, Banti, Contractor, 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.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is Class-II Contractor and he is a proprietor of M/s Padma Construction who conduct work in Purnea Division in Rural Works Department and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any



offence as alleged in the F.I.R. and the present F.I.R. was instituted on the basis of the viral video footage and the video has not been scientific examined by the prosecution and without examining of the video footage in question the present F.I.R. has been instituted against the petitioner and other co-accused persons. He further submits that the petitioner is not a Government employee and no Prevention and Corruption Act is attributed against the petitioner. He further submits that co-accused person namely Md. Masad Alam who is also Contractor has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.01.2024 passed in Cr. Misc. No. 57575 of 2023, another co-accused person namely Bharat Ratna Pandey has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.01.2024 passed in Cr. Misc. No. 53896 of 2023, another co-accused person namely Ahamd Ali @ Md. Ahmad Ali has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.01.2024 passed in Cr. Misc. No. 58776 of 2023, another co-accused person namely Niket Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.01.2024 passed in Cr. Misc. No. 59792 of 2023, another co-accused person namely Pankaj Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.01.2024



passed in Cr. Misc. No. 60393 of 2023 respectively.

5. Learned counsel appearing on behalf of the Vigilance as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the Vigilance further submits that the witnesses have supported the case of the prosecution.

6. Considering the aforesaid facts that the petitioner having clean antecedent and the video footage has not been scientifically examined by the prosecution as well as other similarly situated co-accused persons have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge V-cum-Special Judge, Vigilance, Bhagalpur in connection with K. Hat (Sahayak) P.S. Case No. 736 of 2023 (Special Vigilance Case No. 12/2023), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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