

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5735 of 2024

Arising Out of PS. Case No.-28 Year-1997 Thana- VIGILANCE District- Patna

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Mahesh Prasad II, Retd. Driver, Transport Department, Gaya, aged about 64 years, Male, Son of Late Rajeshwar Prasad, Permanent Address-House No.27, Chandravanshi Nagar, Near Malahchak More, PS and District-Jehanabad, Presently residing at PM City Apartment, Khagaul-Bihta Road, Painal More, P S-Bihta, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through
2. The Superintendent of Police, Cabinet, Vigilance Department, Patna, 6 Circular Road, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Arvind Kumar, Special P.P

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

C.A.V ORDER

4 10-04-2024

Heard both parties.

2. The petitioner seeks regular bail in a case registered for an offence punishable under Sections 420 and 120(B) of the Indian Penal Code and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

3. The prosecution story in brief is that, the accused petitioner Mahesh Prasad-II, the then, Constable (Driver) posted in Mobile Squad Team of Enforcement Office, Gaya under Transport Department along with the other co-accused indulged in illegal selling of a piece of special paper or mobile card at the price of Rs. 110/- to Rs. 250/- (for G.T. Road



in the District) and Rs.700/- (for the whole G.T. Road of the State) valid for one month through the Line Hotel Owners in criminal conspiracy with each other to the Truck drivers passing through G.T. Road. The accused persons used to get commission of Rs. 10/- to 20/- per mobile card for selling it to the Truck driver. On showing the aforesaid mobile cards, the Truck drivers were allowed to pass through the check post on G.T. Road by the Mobile Squad Team of Enforcement Office even though their vehicle's paper were not proper and no fine was imposed on them.

4. The learned counsel for the petitioner submitted that the petitioner has retired from service as driver from the Transport Department on attaining his age of superannuation in January, 2020. He further submitted that the petitioner is quite innocent and has not committed any offence and he has been falsely implicated in this case due to official rivalry, only to harass and humiliate the petitioner. He also submitted that no specific or overt act has been attributed by the petitioner rather there is general and omnibus allegation were made against him. The petitioner is an old person aged about 64 years and he is suffering from various ailments and diseases. The petitioner is in custody since 03.11.2023.



5. The Learned Special P.P. for the vigilance has vehemently opposed the prayer of bail. The counsel further submitted that the petitioner along with other co-accused persons were involved corrupt and illegal practice resulting in wrongful gain to them. This has caused wrongful loss to the state exchequer. The petitioner was directly involved in the said offense. The anticipatory bail of the petitioner was rejected vide Cr. Misc No. 36405 of 2011 dated 04.11.2011. The petitioner was declared absconder after Non-Bailable Warrant and process u/s 82/83 Cr.P.C. were issued against him.

6. On perusal FIR, Case Dairy, impugned order dated 30.11.2023, it appears that the petitioner is involved in the alleged offense. On perusal of case diary, it appears that the offense was committed during the year 1993-1994 and various other accused persons were involved in the alleged offense and the petitioner was involved in illegal selling of mobile card at price ranging from Rs.110/-, 250/- to 720/-, for the petitioner was given Rs. 10-20 commission per mobile card. The alleged offense was meticulously planned and various officials were involved including the then Dy. SP (transport dept), SI (transport dept.), line hotel owners of Gaya. All the accused persons and the petitioner worked together in connivance to



commit this corrupt and illegal practice.

7. Considering the above facts and circumstances of the case, this is a serious offence and the petitioner and other co-accused persons were involved in causing wrongful loss to the state, and considering the fact that the petitioner was issued non-bailable warrant and process u/s 82/83 of Cr.P.C. was issued by the learned Special Judge, Vigilance, Patna and he was also declared an absconder and the petitioner was subsequently arrested on 03.11.2023. This is grave and serious offence, as such, I am not inclined to grant bail of the petitioner.

8. Accordingly, the prayer of bail of the petitioner is hereby rejected.

9. However, the trial Court is directed to conclude the trial within a period of one year from the date of receipt of a copy of this order.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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