

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1074 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- VIGILANCE District- Patna

Prashant Kumar Son of Sri Ambika Paswan @ Ambika Prasad Resident of
Village - Konika, P.O. - Prasadi English, Police Station - Arwal, District -
Arwal, posted as Block Cooperative Officer, Silao, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate Mr. Avinash Kumar, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar, Law Officer, Vigilance

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-04-2025 1. Heard learned Senior counsel for the petitioner and
learned counsel for the Vigilance Investigation Bureau.

2. The petitioner has preferred this application for
grant of regular bail in connection with Special Case no.16 of
2024, arising out of Vigilance P.S. Case no.11 of 2024 registered
under section 7(a) of the Prevention of Corruption Act, 1988.

3. As per the prosecution case, the informant made a
written complaint on 25.10.2024 stating therein that the
petitioner who was posted as the Cooperative Officer demanded
a bribe of Rs.25,000/- for deleting the names of 14 members
who were wrongly added in the PACS voter list. The bank had
also requested the Block Development Officer, Silao to delete



the names, however the petitioner refused to carry out the work without payment of bribe. On the complaint being filed a trap was set up and as per the prosecution case, the petitioner was caught taking bribe of Rs.50,000/- leading to registration of the case.

4. Learned Senior counsel for the petitioner submitted that the petitioner has been falsely implicated in the case. A perusal of the F.I.R., pre-trap and post-trap memorandum would show that they are full of contradictions. While the complaint filed by the informant talks about the petitioner demanding a sum of Rs.25,000/-, the pre-trap and post-trap memorandum mentions about this demand being Rs.50,000/-. It is submitted that the petitioner is accused in one another case under section 498A of the Indian Penal Code. He is in custody since 14.11.2024 and charge-sheet has been submitted. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned counsel appearing for the Vigilance Investigation Bureau. It is submitted that the petitioner was caught red handed having taken a bribe of Rs.50,000/- and in the examination post-trap, phenolphthalein and sodium carbonate was found in the hand wash of the accused petitioner. The FSL report has been



received. The petitioner refused to give his voice sample. It is submitted that once the petitioner is enlarged on bail, he will not permit the trial to proceed and as such bail be not granted to the petitioner at least till the framing of charge.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the materials on record, the fact that this being a trap case the evidence against the petitioner is already in possession of the prosecution together with the petitioner having remained in custody for about 5 months since 14.11.2024, charge-sheet having been submitted and his not having been made accused in any similar case in the past, the petitioner is directed to be enlarged on bail in connection with Special Case no.16 of 2024, arising out of Vigilance P.S. Case no.11 of 2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Patna on the following conditions:-

(I) The petitioner shall remain properly represented on each date of the trial and shall cooperate in the trial.

(II) The petitioner shall remain physically present before the learned trial Court, as and when directed.

(III) In case, the learned trial Court is of the opinion



that the case/trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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