

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27407 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- GHURNA District- Araria

Md. Mithu, S/o Md. Ijarayal @ Md. Izrail, R/o Village- Bairia Kamal, Ward No. 7, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.M. Asraf, Sr. Advocate
		Mr. Rana Hason, Advocate
		Ms. Homa Yunus, Advocate
For the State	:	Mr. Nand Kumar, APP
For the Vigilance Dept.	:	Mr. Arvind Kumar, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-05-2025 Heard Mr. S.M. Asraf, learned senior counsel for the petitioner and Mr. Arvind Kumar, learned Special P.P. for the Vigilance Department.

2. Petitioner seeks regular bail in connection with Special Vigilance Case No. 05 of 2024 arising out of Ghurna Police Station Case No. 22 of 2024 dated 14.05.2024 registered for the offences punishable under Section 120B of the Indian Penal Code and Sections 7, 7A, 8 and 12 of the Prevention of Corruption Act.

3. The main submissions advanced by learned senior counsel appearing for the petitioner are that the petitioner is a 19 year old person having fair and clean antecedent and as per the



allegation, he gave bribe of Rs. 19,900/- to one namely, Raj Kumar Yadav, Home Guard, posted at Ghurna Police Station, for the purpose of helping the petitioner's father who was accused in Ghurna P.S. Case No. 20 of 2024 at that time, so, the petitioner is himself a victim. It is further submitted that the petitioner has been languishing in jail since 01.07.2024 and the co-accused, Raj Kumar Yadav, who allegedly took bribe from this petitioner, has been granted bail by the co-ordinate Bench of this Court vide order dated 07.08.2024 passed in Cr. Misc. No. 52216 of 2024 and in view of the nature of allegation, the petitioner's case stands on better footing from the said co-accused as firstly, the petitioner is a private person and secondly, the circumstances suggest that the alleged bribe was given in compelling situation if the prosecution's story is believed.

4. Learned Special P.P. appearing for the Vigilance Department has vehemently opposed the bail prayer of the petitioner and submits that the petitioner should be directed to co-operate in the trial.

5. Considering the facts and circumstances of this case as well as aforesaid submissions and mainly petitioner's young age, his custody period and the completion of investigation against him, this Court is inclined to grant him the



relief of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Special Vigilance Case No. 05 of 2024 arising out of Ghurna Police Station Case No. 22 of 2024 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as and when directed by the trial Court and failing which, in case of his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

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

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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