

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39411 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- VIGILANCE District- Patna

Om Prakash Gautam Son of Late Chhathu Prasad Resident of Village-Bandhu Chhapra, P.O. and P.S.- Padrauna, Distt.- Kushi Nagar (U.P.) the then Sub-Inspector of Police, Bhairoganj Police Station, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Adv
		Mr. Abhina Shandihya,
For the Vigilance	:	Mr. Rana Vikarm Singh (Law Officer, Vig)

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 21-07-2025 Heard learned counsel for the petitioner and learned counsel for the vigilance.

2. The petitioner has preferred this application for grant of regular bail in connection with Special (Viligance) Case No. 04/2025 arising out of Vigilance Case no. 09/2025 dated 10.03.2025 registered for the offence punishable u/s 7(a) of the Prevention of Corruption Act.

3. As per the prosecution case, the petitioner was the investigating officer in Bhairoganj P.S. Case No. 4/2025 & 5/2025 and had demanded Rs.10,000/- from the informant Shailesh Singh for removing the name of the informant's father Harendra Singh in that case. On the basis of the complaint PTC



Krishna Murari went with the informant Sailesh Singh to Bhairoganj police station where he met the petitioner Om Prakash Gautam. Om Prakash Gautam demanded Rs.10,000/- after which pre-trap memo was made and the trap was laid and Rs.10,000/- was recovered below the pillow of the petitioner's bed. The number of those notes tallied with the pre-trapped memo. Thereafter, the fingers of the petitioner were washed with Sodium Carbonate solution and the colour of the water changed to pink.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. Learned counsel has submitted that the petitioner being the I.O. of Bhairoganj P.S. Case No. 5 of 2025 refused the proposal of the informant, then the informant made a plan and filed a complaint against the petitioner in the vigilance. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 12.03.2025

5. Learned counsel for the vigilance have vehemently opposed the bail petition of the petitioner by submitting that in course of investigation, after seeking permission from the



Learned Special Court Vigilance, Muzaffarpur, the experts of Vigilance Investigation Bureau, Patna went to Shaheed Khudiram Bose Central jail, Muzaffarpur to take voice sample of the accused petitioner in order to match his voice with his voice captured in recorded conversation. But the accused petitioner deliberately refused in writing to give his voice sample. It is further submitted that after investigation of the case, charge-sheet no.-17/2025 dated 08.05.2025 was submitted against the petitioner, Shri Om Prakash Gautam, the then Police Sub Inspector P.S. Bhairganj, Distt. Bettiah u/s 7(a) of the P.C. Act, 1988 (as amended 2018) in the Court of Special Judge Vigilance, Muzaffarpur. It is further submitted that prosecution sanction against the accused petitioner u/s 7(a) of the P.C. Act, 1988 (as amended in 2018) has been accorded vide memo no.-1648/सांशा०, दिनांक 26.06.2025 from office of Deputy Inspector General of Police Bettiah Range.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, North Bihar, Muzaffarpur in connection with Special



(Viligance) Case No. 04/2025 arising out of Vigilance Case no. 09/2025, with the condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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