

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32104 of 2026

Arising Out of PS. Case No.-9 Year-2026 Thana- VIGILANCE District- Patna

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Raushan Kumar @ Roshan Kumar S/O Raj Kishore Kunwar @ Raj Kishore
Singh R/O Village- Suryagaddha, P.S.- Suryagaddha, Distt. - Lakhisarai.

... .. Petitioner/s

Versus

The Special Vigilance Unit through the Superintendent of Police. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pushkar Narayan Shahi, Sr. Advocate
	:	Mr. Amresh Kumar, Advocate
	:	Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar, Spl. P.P.
	:	Mr. Rana Vikram Singh, Law Officer

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2026 Heard Mr. Pushkar Narayan Shahi, learned Senior

Counsel for the petitioner, Mr. Arvind Kumar, learned Spl.P.P.

for the Vigilance and learned counsel Mr. Rana Vikram Singh

for the Vigilance.

2. Petitioner seeks bail who is in custody since
03.03.2026 in connection with Special Vigilance Unit (SVU)
P.S. Case No. 09 of 2026 for the offence punishable under
Section 7 of the Prevention of Corruption Act, 1988.

3. The case of the prosecution, in brief, is that the
father of the complainant is a contractor, who was engaged in
execution of civil works which included installation of
submersible pumps and renovation work in various government



schools situated in the blocks of Gaunaha, Mainatand and Nautan in the District- West Champaran under the Bihar Education Project. The complainant alleged that an amount of Rs. 57,00,000/- was due towards payment of the work done, which was to be processed and released by the accused, Assistant Engineer, District Education Project, Bettiah (West Champaran) in his official capacity. He also alleged that accused made a demand of 5,700,00/-, which was 10% of the total bill amount Rs. 57,00,000/- from the complainant for facilitating and release of the bill amount. The complainant was not willing to give bribe, so he filed the complaint in the Vigilance. After filing of the complaint, the verification was made and the allegation was found to be true. Thereafter, trap was laid on 02.03.2026 and the accused Raushan Kumar was caught red handed while accepting the bribe amount of Rs. 500000/- and one smart watch.

4. Learned Senior Counsel for the petitioner submits that petitioner has clean antecedent. It next submitted that petitioner was appointed as Assistant Engineer in the year 2025 and thereafter posted as Assistant Engineer at District Education Project, Bettiah and as per the allegation as alleged in the FIR, the petitioner has demanded Rs. 5,70,000/- for clearing the bill



of the contractor with total bill was due of 57,00,000/- and petitioner had demanded 10% of the bill amount to clear the bill of the informant. Learned Senior Counsel for the petitioner submits that after the present case, the petitioner has been terminated from the service and another DA Case was also instituted against the petitioner and Vigilance after investigation has submitted charge-sheet and petitioner is in custody since 03.03.2026. Learned Senior Counsel for the petitioner further submits that it is a settled principle of jurisprudence that bail is the rule and jail is the exception and in this regard the Hon'ble Supreme Court in the case of *Sanjay Chandra Vs. CBI* and in other cases has repeatedly held that pre-trial incarceration should not be used as a form of punishment. It is next submitted that petitioner is ready to face the trial.

5. The learned counsel for the Vigilance has vehemently opposed the prayer for bail of the petitioner and submits that Rs. 42,00,500/- has been recovered from the rented house of the petitioner and the same is mentioned in search and seizure memo which suggests that the petitioner has received the amount in question. Apart from that the petitioner has been caught red handed in the present pre-trap and post-trap memorandum dated 02.03.2026 with the bribe amount of Rs.



5,00,000/-.

6. Considering the aforesaid facts and circumstances and that petitioner has clean antecedent and Vigilance after investigation has submitted charge-sheet, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Patna in connection with Special Vigilance Unit (SVU) P.S. Case No. 09 of 2026 subject to the following conditions:-

i. 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.

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

iii. 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)

Gaurav Sinha/-

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