

Gautam Kumar vs The State Of Bihar on 20 October, 2022

Author: Alok Kumar Pandey

Bench: Alok Kumar Pandey

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32766 of 2022
Arising Out of PS. Case No.-115 Year-2022 Thana- BIHTA District- Patna

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RAHUL KUMAR SON OF LATE ASHOK KUMAR RESIDENT OF
VILLAGE- TAREGNA, P.S.- BIHTA, DISTRICT- PATNA.

... .. Petitione

Versus

THE STATE OF BIHAR THROUGH VIGILANCE INVESTIGATION
BUREAU, BIHAR, PATNA BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 20376 of 2022
Arising Out of PS. Case No.-115 Year-2022 Thana- BIHTA District- Patna

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GAUTAM KUMAR Son of Late Bires Singh @ Brajesh Singh Resident of
village - Sherpur, P.S.- Akodhigola, Distt.- Rohtas.

... .. Petitione

Versus

1. The State of Bihar Bihar
2. The State of Bihar through Vigilance, Patna, Bihar. Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 26617 of 2022
Arising Out of PS. Case No.-115 Year-2022 Thana- BIHTA District- Patna

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DHANANJAY RAM SON OF LATE LAKHU RAM @ LEKHA RAM R/O-
VILLAGE- MAKRAIN P.S.- DEHRI ON SONE, DIST,- ROHRAS

... .. Petitione

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 32766 of 2022)

For the Petitioner/s : Mr.Kaushal Kishore

For the Vigilance : Mr.Arvind Kumar

(In CRIMINAL MISCELLANEOUS No. 20376 of 2022)

For the Petitioner/s : Mr. Vikramdeo Singh
Mr. Deepak Kumar Singh
Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Murli Dhar

Patna High Court CR. MISC. No. 32766 of 2022(3) dt. 20-10-2022

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(In CRIMINAL MISCELLANEOUS No. 26617 of 2022)

For the Petitioner/s : Mr. Vikramdeo Singh
Mr. Kumar Dhananjay Singh

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-10-2022

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Special Case No. 7 of 2022 arising out of Bihta P.S. Case No. 115 of 2022 registered for the offences punishable under Section 120(b) of the IPC and Sections 7/12 of the Prevention of Corruption Act.

As per prosecution case, there is accusation against the petitioners and others to have found extorting illegal gratification from the owners and drivers of the sand loaded vehicles and they helped the said owners and drivers in transporting the illegal sand. It is alleged that one mobile was recovered from possession of petitioner Rahul Kumar. It is also alleged that one mobile and Rs. 19,000/- was recovered from possession of petitioner Gautam Kumar. It is also alleged that one mobile and Rs. 99,300/- was recovered from possession of petitioner Dhananjay Ram. Patna High Court CR. MISC. No. 32766 of 2022(3) dt. 20-10-2022 Learned counsel appearing for the petitioner in Cr. Misc. No. 32766 of 2022 (Rahul Kumar) submits that petitioner is in custody since 10.02.2022 and bears no criminal antecedent. He further submits that co-accused Umesh Kumar Bharti and Mukendra Kumar have already been granted bail vide Cr. Misc. No. 21502 of 2022 and Cr. Misc. No. 19722 of 2022 respectively and the case of present petitioner stands on similar footing.

Learned counsel appearing for the petitioner in Cr. Misc. No. 20376 of 2022 (Gautam Kumar) submits that petitioner is in custody since 09.02.2022 and bears no criminal antecedent. He further submits that no complain has been made against the petitioner by any driver or the owner of the vehicle regarding the occurrence.

Learned counsel appearing for the petitioner in Cr. Misc. No. 26617 of 2022 (Dhananjay Ram) submits that petitioner is in custody since 08.02.2022 and bears no criminal antecedent. He further

submits that seizure list does not bear the signature of the petitioner.

Learned counsel appearing for the Vigilance as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners and submit that there is Patna High Court CR. MISC. No.32766 of 2022(3) dt.20-10-2022 allegation of extorting illegal gratification against the petitioners and there is also recovery of incriminating articles from the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, co-accused has been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail after framing of charge on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-1st, Patna in connection with Special Case No. 7 of 2022 arising out of Bihta P.S. Case No. 115 of 2022, subject to following conditions:-

- (i) One of the bailors shall be wife of the petitioners.
- (ii) Petitioners will co-operate in trial and will remain present on all dates, failing which the learned trial court shall be at liberty to cancel the bail bond of the petitioners.
- (iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

Patna High Court CR. MISC. No.32766 of 2022(3) dt.20-10-2022

(iv) Petitioners shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J) shahzad/-

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