

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41462 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- KOILWAR District- Bhojpur

Tarun Kumar @ Tempo S/O Permeshwar Rai Resident Of Village- Kazichak,
P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent Vigilance Department Bihar Patna Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43014 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- KOILWAR District- Bhojpur

Munna Kumar Ram S/O Late Vijay Kumar Ram R/O Village- Suhiya, P.S.-
Shahpur, District- Bhojpur (arah), Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46405 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- KOILWAR District- Bhojpur

Vijay Kumar Dubey Son Of Late Kedar Dubey Resident Of Village - Kurwa
Mathiya, P.S.- Chanpatia, District - West Champaran, Presently Posted As
Asi, Koilwar Police Station.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41462 of 2022)

For the Petitioner/s : Mr.Manoj Kumar

For the State : Mr.Pramod Kumar Pandey

For Vigilance : Mrs. Archana Palkar Khopde

(In CRIMINAL MISCELLANEOUS No. 43014 of 2022)

For the Petitioner/s : Mr.Shambhu Sharan

For the Opposite Party/s : Mr.Satya Nand Shukla

(In CRIMINAL MISCELLANEOUS No. 46405 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 31-01-2023

Heard learned counsel for the petitioners, learned



Counsel for the Vigilance and learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 384, 385, 120(B)/34 of the Indian Penal Code and Section 7 of the Prevention of Corruption Act.

The prosecution case in nutshell is that police officer in-charge of koilwar police station received a video clip on his mobile in which it appears that Vijay Kumar Dubey (petitioner in Cr. Misc. No. 46405 of 2022) was on patrolling duty with other police officials. It is further alleged that in the said video clip it was seen that Vijay Kumar Dubey (petitioner in Cr. Misc. No. 46405 of 2022) was standing in his uniform on the road and one person was also standing beside him who handed over him some notes of Rs. 500 denomination. It is further alleged that the police officials on duty at that time were interrogated who told that the petitioner took illegal money through Tarun Kumar @ Tempo (petitioner in Cr. Misc No. 41462 of 2022) as illegal gratification for passing of sand loaded trucks.



It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. It is also submitted that petitioners are languishing in judicial custody since 20.05.2022. As far as Tarun Kumar @ Tempo(petitioner in Cr. Misc. No. 41462 of 2022) is concerned, the said video does not reveal that any illegal gratification was being given in any manner. The money seen in his hands is not the money obtained either by illegal gratification or by way of extortion and no one has made any complaint against the Tarun Kumar @ Tempo(petitioner in Cr. Misc. No. 41462 of 2022). In the case of Vijay Kumar Dubey(petitioner in Cr. Misc. No. 46405 of 2022), he was not seen in the said video clip and the video clip is neither legally obtained based on written permission from the competent investigation authorities nor it has been verified by computer experts. Neither the truck drivers nor the sand scammers have complained against him and also there is no certificate under 65(B) of the Evidence Act. The confessional statement of co-accused enclosed with



the F.I.R. has no evidentiary value in the eye of law. As far as Munna Kumar Ram(petitioner in Cr. Misc. No. 43014 of 2022)is concerned, he is not named in F.I.R and his name also sprang up on the basis of confessional statement of co-accused, Tarun Kumar @ Tempo, which has no evidentiary value in the eye of law. The alleged currency notes recovered from his possession is no tainted money about which it can be said to have been obtained either by extortion or by illegal gratification. It is further submitted that procedure of raiding has not been duly followed by the vigilance. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned APP appearing for the State and learned counsel for the vigilance have vehemently opposed the prayer for Bail. It is also submitted that witnesses have supported the prosecution version of the case and involvement of the petitioners in the alleged occurrence.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail.



The above named petitioners are directed to be enlarged on bail in connection with Koilwar P.S. Case No. 317 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Patna.

(Sunil Kumar Panwar, J)

nirajkrs/-

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