

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19258 of 2015

Arising Out of PS.Case No. -87 Year- 2011 Thana -NARDIGANJ District- NAWADA

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1. Upendra Prasad Son of Rampati Prasad, resident of village- Bhatu Bigha, P.S.-
Deo, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sangita Kumari daughter of Sri Jai Ram Prasad, resident of village- Rupaet,
P.S.- Mehandia, District- Arwal

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R.K. Sinha, Adv.

For the Opposite Party/s : Dr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-05-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The present application under section 482 of the Code
of Criminal Procedure (in short 'the Code') has been filed for
quashing the order dated 09.02.2012 passed by the learned Special
Judge, Vigilance Trap, Bihar, Patna in connection with Special Case
No.49 of 2011, whereby the learned Special Judge, Vigilance, finding
a prima facie case to be made out for the offences punishable under
sections 7 and 13(2) read with 13(1)(d) of the Prevention of
Corruption Act, 1988, summoned the petitioner to face trial.

According to the prosecution case, on 13th September,



2011 the Sub Divisional Officer, Nawada received an information that the petitioner, Statistical Assistant-cum-Head Clerk, posted as Child Development Project Officer, Nardiganj is realizing illegal money from Sevikas for passing purchase vouchers. After receipt of the aforesaid information, a raid was conducted at 2.30 p.m. in the office of the Child Development Project Officer, Nardiganj. In course of raid, the petitioner was caught red handed while he was taking bribe from Sevikas. Rs.2000/- was recovered from his possession and Rs.16820/- was recovered from his Almirah. The statements of 13 Sevikas, who were present there, were also recorded. They all accepted that Rs. 2000/- each was being taken by the petitioner from them for passing purchase vouchers presented by them. On the basis of the allegations mentioned above, the petitioner was apprehended and a search-cum-seizure list was prepared and an F.I.R. was instituted. The police investigated the case and found the allegations to be true. On conclusion of investigation, the Investigating Officer of the case submitted charge sheet against the petitioner for the offences under sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned Special Judge, Vigilance perused the allegations made in the First Information Report, materials collected in course of investigation and the report submitted by the police under

section 173(2) of the Code and after being satisfied that a prima facie case is made out, summoned the petitioner to face trial vide impugned order dated 09.02.2012.

Regard being had to the facts and circumstances of the case, I find no illegality in the impugned order. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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