

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10602 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -VIGILANCE District- PATNA

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SHAMBHU KUMAR @ SHAMBHU PRASAD @ SHAMBHU KUMR
Son of Om Prakash Saw, resident of Baktiyarpur Purani Bazar, P.S.
Baktiyarpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anand Kumar, Adv.
Mr. Suraj Narayan Sinha, Sr. Adv.
For the Opposite Party/s : Mr. Ramakant Sharma (L.O., Inc.Vigilance)
Mr. Santosh Kumar Pandey, AC to Vig.L.O.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 16-05-2017 Heard both sides.

The petitioner apprehends his arrest in Vigilance P.S.

Case No. 11/2017, registered for the offences punishable under

Section 13(2) read with section 13(1)(d) of the Prevention of

Corruption Act.

The informant Manoj Kumar alleged in complaint

petition that co-villager Puja Kumari filed complaint case against

her husband Hriday Kumar as Hriday Kumar used to assault her.

On 05.01.2017, the police of Rafiganj P.S. verified the complaint

and reported the case to be false. On 05.01.2017 S.I. of Kurtha

called him and informed that S.P. Aurangabad forwarded a



petition for investigation. Md. Salauddin S.I. of Kurtha P.S. demanded a ring made of gold worth Rs. 20,000/- for himself and a golden chain of Rs. 20,000/- for the S.H.O., Kurtha. Shambhu Kumar @ Shambhu Prasad the S.H.O., Kurtha made the same demand from the complainant. Indrajeet Singh A.S.I. Vigilance made preliminary enquiry and the petitioner also reiterated the same facts before Indrajeet Singh A.S.I. Vigilance. Thereafter, a trap was laid and Salauddin was apprehended accepting bribe for which the present case was registered.

Learned senior counsel for the petitioner S.N. P. Sinha submits that the petitioner S.H.O. of Kurtha P.S. never demanded any bribe from the complainant. Salauddin was the Investigating Officer, on the date on which Md. Salauddin was apprehended, petitioner was on leave. He was not present in the police station. In pursuance of the order of this court he appeared before the Investigating Officer and submitted that the petitioner has falsely been implicated.

It appears that after having received the complaint filed by Manoj Kumar about demand of bribe by Md. Salauddin S.I. Kurtha P.S. and Shambhu Prasad the petitioner S.H.O. of Kurtha P.S.; Indrajeet Singh A.S.I. Vigilance made preliminary enquiry and found the accusation of demand of bribe true against



the petitioner Shambhu Prasad S.H.O. Kurtha as well as the Investigating Officer, Md. Salauddin and only thereafter, a trap team was constituted. Of course the petitioner was not present on the date of trap, but it has been duly verified that the petitioner also demanded golden chain from the complainant.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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