

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.50078 of 2016**

Arising Out of PS.Case No. -91 Year- 2011 Thana -VIGILANCE District- PATNA

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1. Sant Om Prakash, Son of Sadho Prasad, Resident of Village- Bela Bakaur, P.S.- Islampur, District- Nalanda.

.... .... Petitioner/s

Versus

1. The Vigilance Bureau, through its Director.  
2. Shri Kranti Kumar, son of Shri Kameshwar Kamati, Resident of Village- Simra, P.S.- Jhanjharpur, District- Madhubani.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Om Prakash Singh, Adv.

For the Opposite Party/s : Mr. Ramakant Sharma, L.O., I./C. Vig.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 25-01-2018**

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 27.12.2012 passed by the Special Judge, Vigilance Trap, Patna in Special Case No. 53 of 2011 arising out of Vigilance Case No. 91 of 2011 by which cognizance has been taken for the offences punishable under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

2. From perusal of the record, it would appear that on receipt of complaint from the opposite party no.2, after verification and preparation of pre-trap memorandum, a trap was led and the petitioner was caught red-handed accepting Rs.4,000/- as bribe. After his arrest, post-trap memorandum and seizure list was prepared and, in course of investigation, the allegations made by the complainant



that the petitioner being Dairy Field Officer, District Gavya Vikash Office, Madhubani was demanding Rs.5,000/- as bribe in order to help the complainant in availing loan under Gavya Vikash Scheme was found true and thus charge-sheet was submitted against him.

3. The petitioner has pleaded that the allegations made against him are completely false and on vexatious complaint he has been framed by the complainant. The contention is that his entire past service record is unblemished and the order taking cognizance of the offence is nothing but an abuse of the process of the Court.

4. Having regard to the nature of allegation, which were found to be true during investigation, I see no merit in the present application. The defence taken by the petitioner can be adjudicated by the court below only in course of trial. No illegality could be pointed out on the basis of which it can be said that the impugned order is either bad in law or on fact.

5. Accordingly, the application, being devoid of any merit, is dismissed.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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