

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69109 of 2018**

Arising Out of PS. Case No.-44 Year-2015 Thana- VIGILANCE District- Patna

Md. Naseem Ansari S/o Md. Wajid Ansari Resident of Mohalla- Bhavdepur,
P.S. Sitamarhi, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar Through Director General Of Police, Cabinet Vigilance
Department, Govt. Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sudha Chandra

For the Opposite Party/s : Mr. Anjani Kumar I.O., Inc., Vigilance

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT**

Date : 14-08-2019

Heard learned counsel for the petitioner and the
learned counsel appearing for the opposite party.

Petitioner, by means of this application under
Section 482 of the Code of Criminal Procedure, has invoked
the inherent jurisdiction of this Court with prayer to quash
the order dated 04.06.2018, passed by learned Special Judge,
Vigilance (Trap), Patna in Special Case No. 26 of 2015 arising
out of Vigilance P.S. Case No. 44 of 2015, whereby and
whereunder the discharge petition filed by the petitioner
has been rejected.

Learned counsel for the petitioner submits that
petitioner, who is Block Agriculture Officer, is absolutely



innocent and has been falsely implicated in this case as he did not come to the terms of the complainant and other touts of the Block. As a matter of fact, petitioner was pressurized by various interested persons for doing illegal work for which threatening was also given to this petitioner and in that connection petitioner had reported the matter to the Block Development Officer, Bakhtiyarpur vide Annexure-2. It is further submitted that in the issuance of work order the petitioner has no role to play as it is to be done by the District Agriculture Officer. No work of the complainant was pending with the petitioner on the day he made complaint and as such the entire accusation against the petitioner is a result of conspiracy of his enemies. In the above background, it is submitted that the order rejecting the discharge petition is not sustainable in the eye of law and the same deserves to be quashed.

Learned counsel appearing for the Vigilance department opposes the prayer of the petitioner and submits that petitioner was caught red handed with the bribe money. During Investigation, materials have come showing complicity of this petitioner in the alleged crime. Moreover, witnesses have also supported the prosecution



case. He, therefore, submits that learned court below has rightly rejected the petitioner's prayer for discharge and the same does not warrant any interference.

Considering the submissions advanced on behalf of the parties, the nature of accusation levelled against the petitioner which is supported by the materials available on record and the statement of witnesses, as has been taken note in the order impugned, this Court does not find any infirmity in the order passed by the learned Court below warranting interference of this Court under its extraordinary jurisdiction. The prayer for quashing the same is, therefore, rejected.

The application, accordingly stands dismissed.

(Arvind Srivastava, J)

mcv/-

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