

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27060 of 2018

Arising Out of PS. Case No.-17 Year-2017 Thana- VIGILANCE District- Patna

Chand Bihari Sharan, S/o Late Kandh Bihari Sharan, Arya Samaj Path,
Sahebganj, Chapra P.S.- Chapra Sadar, District- Saran, Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Vigilance Department, Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Umashankar Prasad, Sr. Advocate Mr. Kamala Kant Tiwary, Advocate
For the Vigilance	:	Mr. Rama Kant Sharma, Sr. Advocate, I/C Vig. Mr. Arbind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2024 1. Heard learned counsel for the petitioner, learned
Special PP for the vigilance, Mr. Arbind Kumar.

2. The learned counsel for the petitioner submits that he has been falsely implicated in the present case at the behest of the informant. The learned counsel next submits that in sum and substance allegation against the petitioner who was the C.O. of Bhethaha is that an application was filed by the informant seeking mutation of his name in respect of a land which was decided in his favour in Title Suit No.257 of 2015, but the petitioner for doing the favour was seeking a bribe of Rs.27,000/-.

3. It is next submitted that the informant accordingly made a complaint to the vigilance on 16.02.2017, thereafter the



complaint was verified and it was found that the petitioner has reduced the bribe amount from Rs.27,000/- to Rs.20,000/- which was to be paid in part i.e. Rs.10,000/- each and the date on which the petitioner accepted the bribe amount of Rs.10,000/- on that date itself, he was apprehended by the vigilance.

4. The learned counsel next submits that though the informant alleges that Title Suit No.257 of 2017 was decided in his favour but from perusal of the judgment and decree passed in the aforesaid title suit it would manifest that the learned trial court had decided the said suit holding that the land in question belongs to Ram Janki Trust. It is further submitted that the land which was subject matter of the title suit was mutated earlier in the name of Gharbharan Sah and when the informant got the aforesaid title suit decided he filed an application seeking mutation of his name in place of Gharbharan Sah on 12.08.2016. It is further submitted that the petitioner on 24.10.2016 rejected the application of the informant with regard to the mutation holding that the land is in the name of 'Ram Janki Mandir'. The learned counsel thus submits that when the application filed on behalf of the informant seeking mutation was already rejected on 24.10.2016 where was occasion for the



petitioner to seek bribe for him for which he filed a complaint before the vigilance on 16.02.2017. It is thus submitted that since the petitioner did not accede to the request of the petitioner mutating his name with respect to the land as such the informant by way of an afterthought taking vigilance into confidence got the present false case instituted. It is further submitted that from perusal of the complaint it would manifest that the petitioner was apprehended near the Collectariat but then the witness of the seizure list is the same person who was also a witness against the Karamchari against whom the informant had instituted Muffasil Banuchapar P.S. Case No.347 of 2016 dated 10.08.2016.

5. It is thus submitted that it absolutely does stand to reason that how the same person who was the witness against the Karamchari was also made a witness against the petitioner. It is next submitted that the said allegation against the Karamchari was also investigated by the police and the police submitted final form exonerating the Karamchari of the allegation.

6. The learned counsel for the petitioner thus submits that since the mutation application of the informant was already rejected on 24.10.2016 and the informant had applied for the



certified copy of the order on 11.01.2017 as such there was absolutely no occasion for the petitioner to demand any bribe for doing any work when no work of the informant was pending consideration before the petitioner. It is next submitted that bribe is demanded for some motive or by way of a reward, but no work was pending of the informant with the petitioner as such there was absolutely no motive for the petitioner to demand bribe.

7. The learned Special P.P. for the vigilance vehemently rebuts the submission of the learned counsel for the petitioner and submits that what is not disputed rather stands admitted is there was a complaint against the petitioner, thereafter verification of the complaint was done wherein it was found that the bribe amount was reduced from Rs.27,000/- to Rs.20,000/-and the same was to be paid in part and when the first part was paid the petitioner was apprehended.

8. It is thus submitted that vigilance absolutely had no role in the case but acted on the complaint of the informant and after verification of the complaint the same was found true and petitioner was apprehended with the bribe amount and when his hand was put in the solution the same turned pink.

9. The learned Special PP very fairly next submits



that if what has been submitted by the learned counsel for the petitioner is true in that event the said facts and issues can be raised at an appropriate stage in the trial.

10. The learned counsel for the petitioner at this stage seeks permission to withdraw the quashing application with liberty to raise all issues at an appropriate stage in the trial.

11. Permission is accorded.

12. Accordingly, the quashing application is dismissed as withdrawn with the aforesaid liberty.

(Satyavrat Verma, J)

Prakash Narayan

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