

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13535 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- VIGILANCE District- Patna

Shashank Kumar, aged about 32 years, Gender-Male, Son of Suresh Prasad Vikrant, Assistant Director, Horticulture, Vaishali Hajipur, Resident of House no 1, Ward No. 1, New Mico colony, PS- Digha, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Special Vigilance Unit, Patna.
2. Gorakh Ram, son of Late Bhuletan Ram, Horticulture Officer, Hajipur, Vaishali

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate and Mr. Rakesh Kumar Sharma, Advocate
For the S.V.U.	:	Mr. Rana Vikram Singh, Advocate (SPL. P.P. SVU)

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-02-2025 Heard learned senior counsel for the petitioner and learned Spl. P.P. for Special Vigilance Unit.

2. The petitioner seeks bail in connection with Special Case No. 05 of 2025, arising out of S.V.U. P.S. Case No. 01 of 2025, dated 17.01.2025 registered for the offences punishable under Section 7 of the Prevention of Corruption Act and Sections 61(2)(a) of B.N.S., 2023.

3. As per the prosecution case, the complainant is posted in the District Horticulture Office, Hajipur, and the petitioner is also posted in the said office as Additional Director and he was holding the charge of Drawing and Disbursing



Officer and he did not issue payment order of salary for the month of December, 2024. When the complainant met him and requested to release his salary, he demanded for bribe of Rs. 7,000/- and threatened that if he would not pay the bribe then his salary would not be released. It is further alleged that after receipt of complaint, the Superintendent of Police, Special Vigilance Unit, directed the Inspector, Avinash Kumar Jha, to verify the matter and submit a report and accordingly, he made verification of the allegation and submitted verification report on 17.01.2025 annexing voice script of conversation between the complainant and the petitioner which shows that the petitioner issued direction to the complainant to pay the bribe money of Rs. 7,000/- to Jha Ji. Thereafter, a trap team was constituted under the leadership of Deputy Superintendent of Police, Sri Lav Kumar, which consisted of altogether nine (09) members. The team leader called a pre-trap meeting of the members in which the complainant was also present, who on query narrated the story of demand of the bribe by the accused persons. Thereafter, he produced fourteen G.C. notes of Rs. 500/-denomination, which were applied with the phenolphthalein powder and returned to the complainant with instruction to hand over the same to the accused persons in case



of demand only. The witness Amar Kumar was requested to accompany the complainant and watch the transaction of bribe and in case of acceptance of the bribe, give information to the trap team either by calling them or by giving a missed call. The recovery memorandum showed that on the same date the trap team reached the office of the accused persons. Thereafter, the complainant and the witness Amar Kumar went to the office of the District Horticulture and met Arvind Jha first, who asked them to meet the petitioner. When they met the petitioner, he asked him to meet Arvind Jha who demanded the bribe money of Rs. 7,000/-, upon which, the complainant gave the bribe money to Arvind Jha. It is further alleged that thereafter Arvind Jha went into the chamber of the Assistant Director, Horticulture and handed over the same to him, who kept the same in the upper pocket of his shirt. It is further alleged that thereafter the complainant gave information about acceptance of the bribe money by the accused persons through phone. Upon which, the trap team rushed there and surrounded the accused persons and on search the bribe money of Rs. 7,000/- was recovered and on comparing the numbers of the recovered G.C notes with the numbers as noted in the preliminary memo, they were found to be the same. It is further alleged that thereafter



both hands of both the accused persons and the pocket of shirt of the petitioner were washed into the solution of Sodium Carbonate in five separate glasses, upon which, the colour of solutions turned pink. Thereafter the post trap memorandum was prepared and the accused persons were arrested and forwarded in the present case.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case for malicious reason with oblique and ulterior motive. It is further submitted that the petitioner being the superior officer of the complainant asked for show cause to him vide Letter No. 583 dated 18.08.2023 for dereliction in his duty and directed to submit reply of show cause within 24 hours but when he refused to reply his show cause vide order dated 29.08.2023, he was transferred from his place of posting and was deputed in the District Horticulture Office. In the meantime, vide Letter No. 598 dated 23.08.2023, he was also asked for show cause for his absent without information, as a result thereto, progress about the schemes was not made which is disobedience of superior officers and is misconduct and by order of the petitioner, he was transferred from Bidupur to District Office, vide Office Order No. 332 dated 29.08.2023. It is further



submitted that even after several directions, the complainant continuously remained absent from his duty nor has replied show cause and even after Bio-Metric Device, he was not attending which is dereliction in duty and disobedience of the orders of the senior officer, hence, he was directed to appear on the next date and to give his attendance in Bio-Metric Device. It is further submitted that the bribe money was taken by the co-accused Arvind Jha, initial demand was also made by him as it is evident from the verification report and the final pre and post trap memorandum and the fact remains that when Arvind Jha was trapped with the bribe money which he accepted, he was compelled to come in the chamber of the petitioner and thrashed the said money in the pocket of the petitioner and thereafter, a trap was conducted successfully. It is further submitted that the petitioner being unblemished career of service, has never been prosecuted departmentally or in any criminal proceeding. It is further submitted that on search of the co-accused person (Arvind Jha) 18,200/- government rupees and 2,780/ personal amount were recovered from his possession. The said government amount was handed over to the complainant which creates doubt upon the prosecution. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is



in custody in this case since 18.01.2025.

5. Learned Spl. P.P. for the Special Vigilance Unit has vehemently opposed the bail petition of the petitioner and has submitted that the petitioner and the co-accused person were caught red handed while demanding and accepting the bribe money from the complainant for doing his work. The charge sheet has not been submitted.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No. 05 of 2025, arising out of S.V.U. P.S. Case No. 01 of 2025.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

