

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42428 of 2015**

Arising Out of PS. Case No.-42 Year-2014 Thana- MADHEPURA District- Madhepura

Ashok Kumar Verma son of Late Nasib Lal Verma, resident of village-  
Laxmipur Chandi Asthan, P.S.- Kumarkhand, District-Madhepura

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

**Appearance :**

|                              |   |                                  |
|------------------------------|---|----------------------------------|
| For the Petitioner           | : | Mr. Bam Bahadur Jha, Advocate.   |
| For the Investigation Bureau | : | Mr. Rana Vikram Singh, Advocate. |
| For the State                | : | Mr. Ram Naresh Roy, APP          |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

24    27-01-2025                      The present petition under Section 482 Cr.PC has been preferred against the impugned order dated 11.05.2015 passed by learned Special Judge, Vigilance-II, Patna, in Special Case No. 19 of 2014 arising out of Madhepura P.S. Case No. 42 of 2014 whereby learned Special Judge has dismissed the discharge application of the petitioner finding that *prima facie* case is made out under Section 420 read with Section 34 of the Indian Penal Code, Sections 8 and 9 of the Prevention of Corruption Act, against the Petitioner, referring to paragraphs 1, 2, 3, 4, 5, 7, 9, 10 and 21 of the case diary.

2. As per allegation emerging from the *Fardbeyan*, one Nasima Khatoon was to get Rs.1,50,000/- from the District Administration towards compensation on account of death of



her husband in flood in the year 2008. Out of Rs.1,50,000/-, she had already got a cheque of Rs.1,00,000/-, for which, one Israil, son of late Hamid had taken money. However, while she was to get rest amount of Rs.50,000/-, the petitioner herein misrepresented to Nasima Khatoon that she can get this cheque amount of Rs.50,000/- only, if she pays Rs. 4,000/- to him. Hence, she agreed to pay it.

3. I heard learned counsel for the petitioner and learned Special Public Prosecutor for the Vigilance Investigation Bureau.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no question of application of Section 420 of the Indian Penal Code because there is no parting with any money by the informant. At most, as per the allegation, there is demand for bribery to influence the public servant. As per the averment in the *Fardbeyan*, there is no parting with any money. There is only demand, but there is no allegation that she has paid any money to the accused/petitioner. But one of the most essential ingredient of Section 420 is parting with money and that is missing in this allegation.

5. He further submits that there is no question of



application of Section 9 of P.C. Act also because that relates to offence relating to bribing public servant by commercial organization whereas the petitioner is an individual.

6. He also submits that even Section 8 of the PC Act is not applicable because there is only attempt to take bribe. There is no payment of any bribe by the alleged victim to the petitioner.

7. However, Mr. Rana Vikram Singh, learned Special Public Prosecutor for the Vigilance Investigation Bureau fairly admits that Section 420 of the Indian Penal Code is not applicable to the alleged facts and circumstances and statement of the witnesses in the case diary, because, at most, there was an attempt to induce the victim to pay money. But there was no payment made by the Informant to the Petitioner.

8. He also fairly submits that there is no question of application of even Section 9 of the P.C. Act as the petitioner is not a commercial organization.

9. However, he vehemently admits that Section 8 of the P.C. Act is applicable in the alleged facts and circumstances. He refers to Section 8 and submits that case of the petitioner is squarely covered by Section 8 (1)(i) of the P.C. Act which provides that any person who gives or promises to give an



undue advantage to another person or persons, with intention to induce a public servant to perform improperly a public duty. He further submits that as per the allegation, the petitioner had promised to give undue advantage to the Informant with intent to induce the Public Servant to perform improperly a public duty. The informant Nasima Khatoon had agreed to pay Rs.4,000/- to the petitioner on his demand to get the compensation paid to her.

10. I considered the submission advanced by both the parties and perused the material on record. I find that as per the uncontroverted allegation, Section 8(1)(i) of the P.C. Act is *prima facie* made out against the petitioner, because the petitioner had stated to the Informant that she could get rest amount of compensation of Rs.50,000/- only if she would pay Rs. 4,000/- to him and on such representation, the informant had agreed to pay Rs. 4,000/- to him. As such, the petitioner had promised to give undue advantage to the informant with intent to induce the public servant to perform improperly a public duty.

11. Hence, the present petition is allowed in part, holding that *prima facie*, only offence under Section 8 of the P.C. Act is made out against the Petitioner.

12. The impugned order is modified accordingly to



this extent.

13. However, in view of the fact that the case is pending since 2015, the learned Trial Court is requested to expedite the trial and conclude the same at the earliest, preferably within a period of six months.

**(Jitendra Kumar, J.)**

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