

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32384 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- VIGILANCE District- Patna

Asarfi Khatoon, W/o Julkharnain Haider @ Babban Ansari, R/o vill - Kansua
Ratni Bazar, P.S- Sakurabad, District- Jehanabad.

... .. Petitioner

Versus

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

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Sr. Advocate Mr. Salaj Kumar Rai, Advocate Mr. Ravish Kumar, Advocate Ms. Priyanka Singh, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP
For the Vigilance	:	Mr. Anil Singh, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 02-09-2025 The petitioner seeks bail, apprehending his arrest, in connection with Special Vigilance Case No. 15 of 2025 arising out of Vigilance P.S. Case No.13 of 2025, dated- 20.03.2025 registered for the offences punishable under Sections 61(2) of the Bharatiya Nyaya Sanhita and Sections 7(a) (c), 7A and 12 of the Prevention of Corruption Act.

2. As per allegation, an amount of Rs.1,58,319/- was due to be paid to the Informant towards labour charge since 17.05.2022. Despite several visits to the office, the Informant could not get the payment. As per the further case of the Informant, when he visited the office of the Prakhanda Nazir in



regard to payment, the Nazir demanded Rs.15,000/- for making the payment. He also stated that he does not know how much will be taken by the Prakhand Pramukh and the Computer Operator. Hence, he was advised to approach them because even dongal of the Prakhand Pramukh is required to be used for making the payment. When the Informant met the Prakhand Pramukh namely, Asarfi Khatoon, the Petitioner herein, she stated to him that he should talk to her husband, because he takes care of her work. Thereafter, the Informant met the accused, the husband of the Prakhand Pramukh. The Petitioner, then, demanded an amount of Rs.30,000/- as a bribe for making payment. Thereafter, the Informant met Computer Operator, Suraj Kumar, who is also a co-accused. He also demanded Rs.10,000/- as bribe to initiate the payment on computer.

3. The complaint was verified by the police and the report was submitted. Thereafter, pre-trap and post-trap process was undertaken, in which the Petitioner Babban Ansari was found accepting Rs.25,000/-. During the post-trap operation, money was found in an envelope on the table, and as per the case of the prosecution, the envelope was initially taken by Babban Ansari, and thereafter, after opening it, it was put on the table.



4. Heard learned counsel for the petitioner and learned Special Public Prosecutor for the Vigilance.

5. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the best case of the prosecution against the Petitioner is that she has referred the Complainant/Informant to her husband to talk. Except this statement, there is no other allegation against the Petitioner.

6. He further submits that in this statement, there is no demand of any bribe, let alone mentioning any amount of bribe. Thereafter, the co-accused/husband of the Petitioner has been found to be receiving the bribe as per the prosecution case. It is also not a case that thereafter the money was accepted by the Petitioner from her husband and she did any official work improperly on account of bribe.

7. He further submits that neither of the Sections 7 or 7(A) is attracted in the alleged facts and circumstances against the Petitioner because *sine qua non* for application of these Sections is demand or acceptance of bribe. But there is no such allegation, let alone recovery of bribe money from the Petitioner.

8. He also submits that the Petitioner is a lady and the



evidence of the prosecution is very weak against her.

9. He also submits that the maximum punishment prescribed for the alleged offence is seven years, and as such, the Petitioner is entitled to get anticipatory bail in view of the celebrated judgment of **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273.**

10. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

11. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

12. However, learned Special Public Prosecutor for the vigilance vehemently opposes the prayer of the Petitioner for bail submitting that as per the alleged facts and circumstances, all the ingredients of offence punishable under Section 7 of the Prevention of Corruption Act is applicable. He also refers to the sub-clause (ii) of the Explanation 2 of Section 7 of the P.C. Act to show that even acceptance of bribe may be through a third party and here the third party is her husband.

13. He also submits that corruption is a very serious issue affecting the society at large. In corruption cases, anticipatory bail should not be granted liberally to the



Petitioner.

14. In view of the rival submissions of the parties and perusal of the record, it transpires that except the lone allegation against the Petitioner that she had referred the Informant to her husband for talking, there is no other allegation whatsoever against her. Talking does not necessarily mean talking in regard to taking bribe, there may be other things which could be talked about. It was not alleged that the Petitioner demanded bribe and asked the Complainant to pay the bribe to her husband.

15. Moreover, the maximum punishment prescribed for the alleged offence is seven years and the Petitioner is a lady.

16. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Special Vigilance Case No. 15 of 2025 arising out of Vigilance P.S. Case No.13 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on



the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

Chandan/-

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

