

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40090 of 2025

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

Suraj Kumar S/O Dilip Kumar Resident of Village- Mallahchak Jehanabad,
P.S.- Jehanabad, Dist.- Jehanabad. Presently Posted as Computer Operator,
Ratni Block, Faridpur, Patna.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar
For the Vigilance : Mr. Anil Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-10-2025 1. Heard learned counsel for the petitioner and
learned counsel appearing on behalf of Vigilance Department.

2. This application, for grant of anticipatory bail,
arises out of Vigilance Police Station Case No. 13 of 2025,
dated 20.03.2025, disclosing offences under Sections 61(2) of
the Bharatiya Nyaya Sanhita and Sections 7(a)(c), 7A and 12 of
the Prevention of Corruption Act, 1988.

3. The prosecution case, as per the First Information
Report, is that the informant, namely, Pramod Kumar, submitted
a written application before the Superintendent of Police,
Vigilance, Patna, alleging that he had executed certain work
under Scheme No. 11 of 2020–21 in Gram Panchayat Raj



Pandaul, Village – Pokhwa, for a total sanctioned amount of Rs. 7,48,900/-. The Block Development Officer had ordered payment of Rs. 1,58,319/- towards the said work. However, the payment had remained pending for almost two and a half years owing to non-payment of illegal commission. It has further been alleged that despite several visits to the office of the Block Development Officer, he was informed by Prakhand Nazir, namely, Prabhakar Kumar, that unless the informant pays a sum of Rs. 15,000/- as commission, the payment bill would not be processed. He was also told to meet the Block Pramukh and the Computer Operator. Thereafter, on 17.03.2025, the informant met the Block Pramukh, namely, Asharfi Khatoon, who directed him to speak with her husband, stating that he looked after all her official dealings. Upon meeting her husband, he demanded Rs. 30,000/- as commission. Subsequently, the informant also met the Computer Operator, who demanded Rs. 10,000/- as illegal gratification for uploading the requisite records. Unwilling to pay the bribe, the informant approached the Vigilance Bureau and requested for necessary action. Acting on the said complaint, verification was conducted by the Assistant Sub-Inspector, who confirmed the allegations and reported that there existed a voice recording of the petitioner and other co-



accused demanding illegal gratification. A trap was laid on 20.03.2025. A pre-trap memorandum was prepared and the informant was instructed to hand over the tainted currency notes as per the plan. Members of the trap team followed the informant during the operation. It is alleged that Baban Kumar, the husband of the Block Pramukh, received the tainted currency notes and was immediately apprehended. It is further alleged that another accused, Dinesh Kumar, was also apprehended, from whose possession Rs. 15,000/- was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely because he is Computer Operator in the concerned Block. The petitioner neither demanded nor accepted any illegal gratification and was not even present at the time of the trap. The entire recovery was made from the husband of the Block Pramukh and from the Nazir, whereas no recovery whatsoever has been made from the petitioner. Learned counsel further submitted that the work order had already been issued by the Block Development Officer and that the delay in payment was due to mismatch in the bank account number provided by the informant. The sum of Rs. 4,32,010/- was already credited in the



informant's account on 11.03.2025, prior to the lodging of the complaint. Petitioner has no independent authority to release or withhold any payment, which requires digital authentication through dongles of the Block Pramukh and the Nazir. Thus, the allegation that he demanded a bribe for "uploading" the order is inherently improbable. He also highlighted that there is inconsistency in the informant's statement and the verification report inasmuch as the FIR alleges a demand of Rs. 10,000/- by the petitioner, the verification report refers to a demand of Rs. 15,000/-. Such contradictions, it was urged, render the allegation doubtful at the initial stage. It was lastly submitted that one of the co-accused has already been granted bail by this Hon'ble Court in Criminal Miscellaneous No. 32384 of 2025, vide order, dated 02.09.2025.

5. On the other hand, learned counsel for the Vigilance opposes the prayer for anticipatory bail and submits that the investigation has revealed direct complicity of the petitioner in the demand of illegal gratification. During verification, a voice recording of the petitioner demanding Rs. 10,000/- was obtained, and the transcript of the conversation clearly confirms his role in this case. The Investigating Officer, after due permission from the learned Special Judge (Vigilance),



Patna, requested the petitioner to give his voice sample for forensic comparison. However, the petitioner deliberately refused to provide the same in writing on 07.07.2025, thereby impeding the investigation. The investigation is still pending against the petitioner and the Block Pramukh, Smt. Asharfi Khatoon. Hence, grant of anticipatory bail at this stage would adversely affect the on-going investigation. Corruption case is very serious issue affecting the society at large. In corruption cases, anticipatory bail should not be granted liberally to the petitioner. He relies upon the judgment of the Hon'ble Supreme Court in **Devinder Kumar Bansal vs. State of Punjab**, reported in **2025 (4) SCC 493**.

6. I have heard learned counsel for the parties and have gone through the materials available on record.

7. In the First Information Report there is specific allegation against the petitioner of demanding a sum of Rs. 10,000/- as illegal gratification from the informant. The verification report and the recorded conversation prima facie corroborate the said allegation.

8. In *Devinder Kumar Bansal* (supra), the Hon'ble Supreme Court has held that demand or solicitation of bribe by a public servant amounts to commission of an offence under



Section 7 of the Prevention of Corruption Act. The word “attempt” is to imply no more than a mere solicitation, which, again may be made as effectually in implicit or in explicit terms. Actual exchange of a bribe is not an essential requirement to be prosecuted under this law.

9. Furthermore, the petitioner’s deliberate refusal to provide his voice sample, despite a lawful direction issued by the Investigating Officer, is non-cooperation with the investigation and an attempt to obstruct the collection of material evidence.

10. The materials on record prima facie indicate that the petitioner’s role was not merely clerical but that of an active participant in the demand and solicitation of bribe, forming part of a larger conspiracy involving public servants and private individuals. The petitioner’s refusal to provide his voice sample together shows non-cooperation in investigation. The plea of parity with the co-accused who has been granted bail is unacceptable inasmuch as in the bail order of the co-accused, Asarfi Khatton, a Co-ordinate Bench of this Court has given a clear finding that it has not been alleged that the petitioner demanded bribe and asked the complainant to pay the bribe to her husband.



11. Considering the gravity of allegation and the nature of evidence collected so far in the investigation, this Court is of the view that no case of grant for anticipatory bail is made out and the custodial interrogation of the petitioner appears necessary for fair and effective investigation, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

12. This bail application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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