IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21809 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- VIGILANCE District- Patna

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Sudhir Kumar S/O Parmanand Thakur R/O Village- Lodipur, P.O- Dhangawan, P.S- Telhara, Distt.- Nalanda, Bihar. Presently residing at Gali No. 6, Church Road House of P.N. Sharma, P.S.- Mithanpura, Dist.- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar through Spl. Vigilance Unit, Patna Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Ms. Shashi Priya, Advocate Ms. Riya Raj, Advocate Mr. Arya Achint, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Vigilance	:	Mr. Anil Singh Mr. Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

8 09-07-2026 Heard Mrs. Nivedita Nirvikar, the learned Senior counsel for the petitioner and Mr. Anil Singh, learned counsel appearing for the Special Vigilance Unit.

2. The petitioner seeks regular bail in connection with Vigilance P.S. Case No. 03 of 2026 registered for the offence under Section 7(b) of the Prevention of Corruption Act.

3. The case of the prosecution in brief is that the petitioner, while functioning as District Agriculture Officer-cum-Project Director, Muzaffarpur, allegedly demanded a sum of Rs. 2,00,000/- as illegal gratification from the informant Santosh Kumar, Block Technical Manager, Sahebganj, for facilitating his formal re-joining on the said post pursuant to office order dated 05.12.2025. It is alleged that, under pressure and compulsion, the informant is said to have paid Rs. 1,81,000/- to the petitioner in two installments of Rs. 1,50,000/- and Rs. 31,000/-, whereafter the petitioner allegedly issued the necessary orders formalizing his re-joining, but continued to exert repeated pressure for payment of the balance amount of Rs. 19,000/-. It is further the case that being unable and unwilling to satisfy the further demand, the informant submitted a written complaint dated 11.12.2025 before the Vigilance Investigation Bureau, Patna. The allegation of demand was verified on 31.12.2025 and the conversation of the petitioner is said to have been secretly audio-recorded, wherein the petitioner allegedly acknowledged the outstanding balance and had further flatly refused to reduce the amount by Rs. 5,000/-.

4. The verification report having confirmed the demand, Vigilance P.S. Case No. 03 of 2026 was registered on 02.01.2026 under Section 7(b) of the Prevention of Corruption Act, 1988 and a trap team was constituted. Thereafter, in the pre-trap proceedings, the G.C. notes totalling Rs. 19,000/-

produced by the informant were treated with phenolphthalein and their serial numbers were recorded in the pre-trap memorandum. On 03.01.2026, the informant and the verifier were sent to the residence of the accused, where, according to the prosecution, the accused once again demanded and voluntarily accepted the tainted money.

5. Thereafter, it is alleged that the trap team apprehended the petitioner red-handed in the presence of independent witnesses and the tainted notes were recovered from the left pocket of his trousers. The serial numbers were tallied with the pre-trap memorandum and the washes of both his hands and of the said pocket, on being dipped in sodium carbonate solution, turned pink. Furthermore, as per FSL Examination Report No. 39627 dated 17.01.2026, the presence of phenolphthalein and sodium carbonate was confirmed in the sealed exhibits.

6. Upon completion of investigation, Charge-sheet No. 23 of 2026 dated 28.02.2026 has been submitted.

7. Mrs. Nivedita Nirvikar, learned Senior Counsel appearing on behalf of the petitioner, submits that the petitioner is quite innocent and has been falsely implicated at the instance of an informant driven by deep-rooted animus against the petitioner. The learned Senior counsel has further submitted that the petitioner had already approved the re-joining of the informant *vide* order dated 05.12.2025 and no work of the informant remained pending before him. She futher submits that no public servant would grant the relief first and demand the bribe thereafter and therefore, the entire story according to the learned Senor counsel is concocted and false. Further, the alleged prior payments of Rs. 1,50,000/- and Rs. 31,000/- rest solely on the *ipse dixit* of the informant.

8. She further submits that, apart from Rs. 19,000/- recovered from the petitioner during the trap, the other recoveries of gold, etc., have been explained by the petitioner in the statement filed by the petitioner before the Income Tax Department for the year 2021-22. She further submits that if there are some differences in the same, the reason is the marriage of the son of the petitioner. It is next submitted on behalf of the petitioner that the house and locker seizures are wholly extraneous to the present case. The jewellery is the *stridhan* of three adult female members of the family accumulated over three decades and reflected in income tax disclosures, valued at the peak market rates of January 2026 rather than acquisition cost and in any event forms the subjectmatter of the separate and subsequent Vigilance P.S. Case No. 32 of 2026 which is still under investigation.

9. *Finally*, the learned Senior Counsel for the petitioner submits that once the charge-sheet is filed and custodial interrogation is over, continued incarceration is punitive and therefore the present petitioner deserved to be enlarged on bail.

10. Mr. Anil Singh, learned counsel appearing for the Special Vigilance Unit, vehemently opposes the bail application and submits that the allegations levelled against the petitioner are serious and grave in nature. It is submitted that there exists strong *prima facie* material on record indicating the involvement of the petitioner in the commission of the alleged offence.

11. It is the categorical submission of the learned Counsel for the respondent-Special Vigilance Unit, that the present case is not a case resting on the uncorroborated word of an informant but based on a trap in which the petitioner being a senior public servant was caught red-handed. It is further submitted that the informant was made to pay Rs. 1,81,000/- in two instalments out of a demand of Rs. 2,00,000/- as the price of his re-joining, the orders formalising which were issued only upon receipt of the part of the said amount. It is further the submission that the demand for the balance of Rs. 19,000/- stands verified prior to the institution of the F.I.R by the audio-recorded conversation, in which the petitioner acknowledged the outstanding balance and demanded it be brought and further refused outright a reduction of Rs. 5,000/- and appears to have pressed for the date of payment.

12. It is next submitted that the phenolphthalein-treated currency notes whose serial numbers were duly recorded in the pre-trap memorandum were tallied exactly with those recovered from the pocket of the trousers worn by the petitioner in the presence of independent witnesses and the scientific evidence from the washes of both hands and of the pocket having turned pink which is also confirmed by the FSL Report No. 39627 dated 17.01.2026. It is therefore the submission of the learned counsel for the respondent Special Vigilance Unit that these alone clearly show the involvement of the petitioner.

13. Learned counsel for the Special Vigilance Unit has further submitted that the petitioner had refused to furnish his voice sample for comparison with the verification recording. It is further submitted that the key witness in the present case, being the informant, is a subordinate employee of the very district where the petitioner wielded and exercised authority over his posting, suspension and salary.

14. It is lastly pointed out by the learned counsel for the Special Vigilance Unit that searches of the Patna residence and of the Bank Locker at Indian Bank, Khajpura Branch has led to recovery of Rs. 14,00,000/- in cash and jewellery collectively valued at approximately Rs. 1.37 crores, whereupon a separate case, Vigilance P.S. Case No. 32 of 2026 dated 11.03.2026, came to be registered under Section 13(2) read with 13(1)(b) of the P.C. Act alleging possession of disproportionate assets to the tune of Rs. 2,57,44,132/-.

15. I have considered the submissions of the parties and have gone through the records of the case.

16. The undisputed facts of the case are that the petitioner was trapped and caught red-handed with the phenolphthalein treated currency notes which were tallied and found to have matched with their serial numbers as recorded in the pre-trap memorandum. The treated currency notes were recovered from the left pocket of the trousers worn by the petitioner and were recovered in the presence of independent witnesses. The washes of both hands of the petitioner as also of the pocket of his trousers had turned pink, which stands scientifically confirmed by F.S.L. Examination Report No. 39627 dated 17.01.2026. From the perusal of the records, it also appears that the alleged demand of illegal gratification by the petitioner was duly subjected to verification before the registration of the present F.I.R. and the conversation was audio-recorded

17. The informant who is a material witness is a contractual Block Technical Manager of the very establishment of which the petitioner was his superior.

18. The transcript, *prima facie*, records the petitioner inquiring about the balance that remained unpaid, directing the complainant to bring the balance amount, declining the reduction of Rs. 5,000/- and also appears to have asked by when the informant would pay the balance amount. At this stage, this Court cannot enter into the merits of the case to weigh the *inter-se* evidentiary value of the materials collected during investigation, however, *prima facie*, it appears that the petitioner had engaged with the informant on the demand of illegal gratification. Demand for illegal gratification is a *sine qua non* of the offence under the Prevention of Corruption Act and must at trial be proved beyond reasonable doubt. Since this Court cannot enter into a meticulous thread-bare analysis of the materials collected and weight its evidentiary value, therefore at this threshold, this Court finds it difficult to accept the submissions of the learned Senior Counsel for the petitioner regarding the contemporaneous electronic record of the conversation as being no evidence of demand. Whether the recorded voice is that of the petitioner and whether the recording satisfies the requirements of admissibility, including matters related to the content thereto and the alleged utterances of the petitioner are all quintessentially matters of trial.

19. What remains significant is that the alleged demand for illegal gratification is not to be *prima facie* inferred solely from the recovery of the treated-currency notes, but the prosecution also points towards the voice recording which predates and is from a date prior to the registration of the present F.I.R. itself.

20. There is also a recovery of gold, as mentioned above, from the house and bank locker, which as per the petitioner, has been explained in the statement filed before the Income Tax Department.

21. Upon the submissions advanced by the learned Counsel, this Court has perused the statements filed on behalf of the petitioner and annexed with the supplementary affidavit.

Upon perusal, this Court does not find the same to have been filed before the Income Tax Department rather it appears to be a statement forwarded to the State Government and not to the Income Tax Department. There is no acknowledgement/receipt from the Income Tax Department with regard to the Income Tax Return.

22. Again, upon the submissions of the learned Senior Counsel for the petitioner, this Court has considered the submission regarding satisfactory explanation of the gold recovered from the petitioner. So far as the recovery of a huge quantity of gold is concerned, the petitioner has not been able to explain such recovery and the mere statement that the recovered gold, etc., has been explained by the petitioner does not inspire confidence.

23. The amount recovered from the person of the petitioner being Rs. 19,000/-, it is required to be emphasized, particularly in the context of a trap case, that the gravity of an offence of corruption is not to be measured by the rupee value of the bribe. What renders the offence grave is the abuse of public office and the breach of the trust reposed by the public in the holder of such office and not the *quantum* of the illegal gratification demanded or accepted. The Hon'ble Supreme

Court, in the case of ***State of M.P. & Ors. v. Ram Singh***, reported as ***(2000) 5 SCC 88***, described corruption as a cancer and a plague, which is not only contagious but which, if not nipped in the bud at the earliest, spreads like fire in a jungle and corrodes the polity of the country. The gravity of the offence of corruption is, therefore, tied to the nature of the wrong itself and not to its *quantum*.

24. Viewed thus, in a case such as the present one, where a public servant has been caught red-handed in a trap, the tainted money has been recovered from his person in the presence of independent witnesses and the washes of his hands and clothes have returned a positive phenolphthalein test, the gravity of the offence flows from the act of illegal gratification and it does not matter whether the amount was small or large.

25. It is well settled that the filing of the charge-sheet, on its own, does not, *ipso facto*, entitle an accused to bail and the discretion remains to be exercised on the complete and composite assessment of the facts of the case.

26. Therefore, in the facts of the present case, as noted herein above, the offence being one of corruption by a senior public servant and corruption being an offence where the community as a whole is the victim, the balance, on the material as it presently stands, does not tilt in favour of enlargement of the petitioner on bail.

27. The medical conditions pleaded by the petitioner, that is, diabetes, hypertension, piles and kidney stone are chronic ailments for which treatment is suitably and sufficiently available within the jail establishment and it is not the case of the petitioner that any advised medical intervention has been denied to him.

28. On a conspectus of the aforesaid, in a case of alleged corruption by a senior government servant caught red-handed and a *prima facie* case fortified by a pre-F.I.R. recording, a serial-number match of the treated currency notes recovered from the petitioner and positive forensic findings, together with the fact that during investigation, there was a huge recovery of cash and gold from the petitioner, this Court is not inclined to exercise its discretion in favour of the petitioner.

29. Accordingly, this application for regular bail stands dismissed. The Special Judge is directed to conclude the trial at the earliest. Needless to state that, if the trial is delayed by the prosecution or if there is any material and substantial change in circumstance, the petitioner may renew his prayer for bail.

30. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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