

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.566 of 2016**

Arising Out of PS. Case No.-8 Year-1989 Thana- OBRA District- Aurangabad

Ramdaras Ram Son of Late Maharaj Ram, resident of Village- Karhara,
Police Station- Muffasil, District- Aurangabad.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kamendra Pd. Singh
For the Respondent/s	:	Mr. AMP Mehta, A.P.P.
For the Vigilance	:	Mr. Anil Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT**

Date : 22-04-2026

1. Heard learned counsel for the appellant, learned A.P.P. for the State and learned counsel for the Vigilance Department.

2. This appeal has been filed challenging the judgment of conviction and order of sentence dated 5.07.2016 passed in Special Case No. 52 of 1993 arising out of Aurangabad (Obra) P. S. Case No. 8 of 1989 whereby and whereunder the sole appellant has been convicted under Sections 5(2) r/w 5(1)(d) of the Prevention of Corruption Act, 1947 (corresponding to Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988) and was sentenced to undergo rigorous imprisonment for six months.

3. The prosecution case, in brief, is that on the basis



of a complaint submitted by Sri Vimal Kumar Singh, Advocate to Sri Ram Naresh Singh, MLA, irregularities in disbursement of old age pension under the social security scheme were brought to light. The matter was place before the District 20-Point Programme Implementation Committee on 25.08.1984, pursuant to which, Sub-Divisional Officer conducted an inquiry at Obra Block on 26.08.1984.

4. During inquiry, it surfaced that several pension beneficiaries were sanctioned specific pension amounts, paid lesser amount and their thumb impressions were obtained on records showing full payments. It was found that out of a total payable amount of Rs. 3930/-, only Rs. 1720/- was actually paid, while Rs. 2210/- was dishonestly misappropriated by the accused persons, including the present appellant.

5. On the basis of the inquiry report, a formal F.I.R. dated 17.01.1989 was instituted, investigation was conducted and charge-sheet was submitted. Cognizance was taken and the case was ultimately committed to the Court of Special Judge, Vigilance and charges were framed under Sections 420, 467, 468, 471, 120B of the IPC and Sections 5(2) r/w 5(1)(d) of the P.C. Act, 1947.

6. The defence is one of complete denial and false



implication. No oral or documentary evidence was adduced in defence.

7. In this case, in order to bring home guilt of the accused person, the prosecution has examined two witnesses. P.W. 1, namely, Taregni Devi, who is a beneficiary under the pension scheme and direct victim of the alleged offence and P.W. 2, namely, Kedar Singh, who is Mukhiya of Panchayat. Besides the oral evidence, the prosecution has also proved the signature of Kedar Singh Ex-1 and signature of Nirmal Kumar Singh, Advocate, Member Bis Sutri Karyanvayan Samiti, Odra on the complaint petition filed before the MLA Sri Ram Naresh.

8. P.W. 1 had deposed in her evidence that the alleged occurrence took place 24 years before when she was getting Rs. 30/- per month as old age pension. She further stated that her pension was due for 18 months which was Rs. 540/- but out of that, only Rs. 220/- was paid to her, though her thumb impression was taken on the paper by this appellant and co-accused Kameshwar Tiwary regarding receipt of entire amount of Rs. 540/-. P.W. 1 complained about the incident to Mukhiya Kedar Singh (P.W. 2) and Sarpanch Kishori.

9. P.W. 2 deposed in his evidence that the occurrence took place in the year 1984 and at that time, he was Mukhiya of



Ben Panchayat and complaint relating to pensioners of Sarsauli Panchayat had come to him on which he put his signature and identified his signature on the typed complaint petition marked Ext-1.

10. Charge was framed on 26.09.1995 against five accused persons, namely, Bimal Chand Choudhary, Narendra Bahadur Singh, Nand Kishore Prasad, Ram Daras Ram (appellant) and Kameshwar Tiwary @ Kameshwar Trivedi. On the same day, i.e., 26.09.1995, learned counsel had given information that co-accused Kameshwar Tiwary @ Kameshwar Trivedi has died. Accused Nand Kishore Prasad and Narendra Bahadur Singh also died on 24.11.2008 and 30.03.2009 respectively. Accused Bimal Chand Choudhary was not found guilty and was acquitted from the charge.

11. After hearing the parties, the learned trial court convicted the appellant and sentenced him as indicated in the opening paragraph of this order.

12. Learned counsel appearing for the appellant assails the order of conviction and sentence on various grounds. He contends that no reliance can be placed upon P.W. 1 for the simple reason that she is the interested witness and in view of the contradictory statements made by the witnesses, the



prosecution has failed to establish this case. He further submits that on the date of deposition, P.W. 1 was 65 years old and as per her evidence, the occurrence took place 24 years before and as such, she was not entitled or eligible to get the old age pension and her deposition cannot be relied upon. He further contends that P.W. 2 in his deposition has stated that he put his signature on the complaint under pressure. Neither the pensioners signed in his presence nor the pension payment was made in his presence. P.W. 2 is not the eye witness to the misappropriation of the alleged amount. Documentary evidences were exhibited without examination of the author of the actual documents and as such, no reliance can be placed on the documentary evidence. Appellant was Assistant at the relevant time and was not entrusted with pension disbursement. Thus, in view of the inconsistent and contradictory evidence. In absence of independent corroborative evidence, accused person deserves to be acquitted and appeal deserves to be allowed.

13. On the other hand, learned A.P.P. for the State as well as learned counsel for the Vigilance Department have submitted that there is no need of any interference in this appeal and there is no reason to differ with the findings of the learned trial court and the judgment of conviction and order of sentence



are justified and legal.

14. From going through the rival submissions, evidences and upon perusal of the records, it appears that P.W. 1 is the sole eye witness of the occurrence. This witness is a beneficiary of the old pension scheme and parent victim of the offence and there is no independent corroboration of the offence. Her thumb impression was not examined by the expert. P.W. 2 is not the Mukhiya of concerned Sarsauli Panchayat. Further in cross-examination he submits that he put the signature under pressure and pension was not disbursed in his presence. This Court finds that there are material contradictions with regard to manner of occurrence and there is no independent corroborative evidence.

15. Under the aforesaid facts and circumstances, the appellant is given benefit of doubt and acquitted of all the charges.

16. The judgment of conviction and order of sentence dated 5.07.2016 passed in Special Case No. 52 of 1993 arising out of Aurangabad (Obra) P. S. Case No. 8 of 1989 is hereby set aside and appellant is discharged from the liability of the bail bond in connection with this case.

17. Accordingly, this appeal stands allowed.

18. Interlocutory application/s, if any, also stands



disposed of.

(Prabhat Kumar Singh, J)

Navya/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.04.2026
Transmission Date	24.04.2026

