

(2026) 01 JH CK 1694

In the Jharkhand High Court

Case No : Bail Application No. 9487 of 2025

Binod Chandra JhaVs State Of Jharkhand, through Anti Corruption Bureau

Date of Decision : 05-01-2026

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 409, 420, 467, 469, 471
Prevention of Corruption Act, 1988 — Section 13(1)(c), 13(1)(d), 13(2)

Citation : (2026) 01 JH CK 1694

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Ajit Kumar, Akriti Shree, Kshitiz Priyanshu, Sumeet Gadodia

Final Decision : Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Ajit Kumar, the learned senior counsel appearing for the petitioner and the learned counsel appearing on behalf of the respondent State (ACB).
2. This application has been filed for grant of regular bail to the petitioner in connection with A.C.B. P.S. Case No.09 of 2025, registered for the offence under sections 409, 467, 469, 471, 420, 120B of Indian Penal Code and section 13(2) read with section 13(1)(c) and (d) of Prevention of Corruption Act, 1988, pending in court of learned Special Judge (A.C.B.), Hazaribagh.
3. Mr. Ajit Kumar, the learned senior counsel appearing for the petitioner submits that in the F.I.R., the allegation is made of transferring of Khas Mahal land in favour of 23 persons and the allegation against the petitioner is that the petitioner was posted as Khas Mahal Padadhikari, Hazaribagh, and he has initiated the file for transfer of Khas Mahal land in favour of 23 persons. He next submits that the petitioner was posted at Hazaribagh as Khas Mahal Padadhikari with effect from 17.01.2009 and remained in charge up to 31.01.2010. He next submits that the petitioner on 01.02.2010 (afternoon), assumed the charge of Deputy Director GPF Directorate, Department of Finance, Ranchi and the accused/petitioner has relinquished his charged as DPRO, Hazaribagh on 08.02.2010.

4. By way of placing the contents of the F.I.R, Mr. Ajit Kumar, the learned senior counsel further submits that so far as the renewal of lease and removal of the word 'Sewayat' are concerned, that allegation is not against the petitioner. He next submits that after receiving of the application for transfer, the petitioner has merely recommended to the higher authorities for approval. He also submits that these facts have been admitted by the respondent A.C.B in paragraph nos.22, 24, 25 and 27 of the counter affidavit filed by the respondent A.C.B. He draws the attention of the Court to the order dated 10.08.2009 contained in Annexure-F in the counter affidavit filed by the respondent A.C.B and submits that by the said order, the application for transfer of the land has been instituted and the petitioner has sought the report from the Halka Karamchari and Kanoongo. By order dated 01.09.2009, the petitioner has forwarded the recommendation to the Additional Collector for permission. He next submits that thereafter there is no role of the petitioner and all the activities have been done by other officers including the Deputy Commissioner, Hazaribagh. He next submits that final decision of transfer was taken on 20.8.2010 and at that time, the petitioner was not posted at Hazaribagh. He further submits that the petitioner is in custody since 26.8.2025 and he has retired in the year 2016 and he is aged about 70 years having several ailments. He also submits that the petitioner has cooperated in the investigation and now the charge sheet has already been submitted against the petitioner. On these grounds, he submits that the petitioner may kindly be granted regular bail.

5. Mr. Sumeet Gadodia, the learned counsel appearing on behalf of the respondent A.C.B. has vehemently opposed the prayer of regular bail of the petitioner and submits that in light of Annexure-A of the counter affidavit filed by the respondent A.C.B by way of indenture of deed of lease was given between Ganpat Rai Sarawgi in favour of the Deity Shri Shri Mahavir Ji in 1941. He next submits that by way of Annexure-B, in the year 1951, the said deed was purported to be cancelled by Ganpat Rai Sarawgi which was issued in favour of the Deity Shri Shri Mahavir Ji. He next submits that in light of Annexure-C at page 36 of the counter affidavit, the Sewayats of the said Deity filed another application for renewal of lease. He next submits that by order dated 12.12.1988, the lease was again renewed in favour of the Deity Shri Shri Mahavir Ji and earlier cancellation deed was issued by Ganpat Rai Sarawgi which was rejected. He next submits that another transfer permission case was registered which was rejected by the order of Commissioner, North Chhotanagpur Division, Hazaribagh vide order dated 01.07.2000 which was challenged before the High Court in C.W.J.C No.4200 of 2000. He then submits that there is clear observation of the High Court wherein it was held that Hiralal Shetty and Pannalal Shetty who are the successor-in-interest or any person who took the charge of the Sevayat had no role to transfer the land in favour of other persons and the High Court has held that the Commissioner has rightly refused to grant permission for transfer of lease hold land. He then submits that the High Court order was not respected by the petitioner and others and in spite of that, the

transfer has been made in favour of 23 persons. He then submits that the petitioner has initiated the transfer by order dated 10.8.2009 and another proposal was also made by the petitioner at page 93 dated 01.09.2009 and that is within the short period of time. On these grounds, he submits that regular bail of the petitioner may kindly be rejected.

6. In view of above submission of the learned counsels appearing for the parties, the Court has gone through the materials on ground including the contents of the FIR and finds that the allegations are made of transferring Khas Mahal lease land in favour of 23 persons. From the documents brought on record by way of filing counter affidavit by the A.C.B., it transpires that in the year 1941 the same was in favour of Ganpat Rai Sarawgi in the year 1951 it was again tried to be cancelled. In the year 1941 itself, the said land was donated to Shri Shri Mahavir Ji by Ganpat Rai Sarawgi and again the cancellation was sought to be done by the said Ganpat Rai Sarawgi which was in favour of Shri Shri Mahavir Ji. By way of Annexure-C at page 36, dated 10.8.1985 the other Sevayats have again filed the petition for renewal of lease. By Annexure-D at page 72, dated 12.12.1988 lease was again renewed in favour of Shri Shri Mahavir Ji. The observation of the High Court is also there in the aforesaid CWJC. The petitioner was posted as Khas Mahal Officer in Hazaribagh with effect from 17.01.2009 and 31.01.2010. There are two orders of the petitioner of initiation for transfer of land and further recommendation to the Additional Collector for approval of permission which is dated 01.09.2009 and apart from that, other orders have been passed by others and subsequent orders have not been passed by the petitioner and the petitioner is in custody since 26.08.2025 and he has already retired in the year 2016 and it has been pointed out that the petitioner is aged about 70 years and is also having some ailments and charge sheet has already been submitted against the petitioner and it has been pointed out that the petitioner has co-operated in the investigation. In course of argument, Mr. Gadodia, the learned counsel for the respondent ACB has argued that Sevayats are not coming forward before the ACB for investigation and for that, the respondent ACB is competent to find out the Sevayats who are not appearing before the A.C.B. So far as this petitioner is concerned, he is already in custody since 26.08.2025 and charge sheet has already been submitted against the petitioner, and in that view of the matter, I am inclined to grant regular bail to the petitioner, and accordingly, the petitioner, above named, shall be released on bail, subject to the condition that on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, to satisfaction of learned Special Judge (A.C.B.), Hazaribagh, in connection with A.C.B. P.S. Case No.09 of 2025 as well as one of the bailors will be close relative of the petitioner.

7. The petitioner shall not leave the State of Jharkhand without prior permission of the learned trial court and he shall submit his Passport before the learned trial court. He shall remain present before the learned trial court on each and every date of hearing, except, in exceptional circumstances, on a particular date on permission of the court the petitioner may be exempted from appearance for that

particular date and he shall fully cooperate for the timely conclusion of the pending proceeding.