

(2017) 06 JH CK 0004
In the Jharkhand High Court
Case No : 3360 of 2017

Fuljharo Devi, W/o late Bhuneshwar Singh
Vs
State of Jharkhand

APPELLANT

RESPONDENT

Date of Decision : 05-06-2017

Acts Referred:

[Prevention of Corruption Act, 1988](#), [Section 7](#) / [Section 13\(2\)](#) - Public servant taking gratification other than legal remuneration in respect of an official act - Criminal misconduct by a public servant

Citation : (2017) 06 JH CK 0004

Hon'ble Judges : Rajesh Shankar

Bench : SINGLE BENCH

Advocate : A. K. Sahani, T. N. Verma

Judgement

1. Heard learned counsel for the parties.
2. The petitioner is an accused in a case registered under Section 7 / 13(2) of the Prevention of Corruption Act.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has not committed any offence as alleged in the first information report. The petitioner was posted as Electrical Assistant Engineer, Electric Supply Sub Division, Gumla. It is alleged that the petitioner was apprehended red handed by a team of Anti Corruption Bureau after he demanded Rs.5,000/- from the informant for processing his application for electric connection. It is further submitted that no amount of bribe has been recovered from the possession of the petitioner, rather Rs.4,500/- has been recovered by a team of Anti Corruption Bureau from co-accused-Dilip Kumar, who is a Class IV employee in the said sub division. It is also submitted that the informant due to his own grudge and malice has implicated the petitioner in the present case, as the petitioner had raided the shop premise of the informant on 15th December, 2016 wherein theft of electricity was found and a first

information report was also lodged against the informant, being Palkot P.S. Case No.66 of 2016. In this case, charge sheet against the petitioner has already been submitted. The petitioner is in judicial custody since 22nd March, 2017 and, therefore, he may be given the privilege of regular bail.

4. Learned Special P.P. opposes the petitioner's prayer for bail and submits that though the amount of bribe has not been recovered from the possession of the petitioner, yet the bribe was demanded by the petitioner and on the instruction of the petitioner the amount of bribe was paid by the informant to said co-accused-Dilip Kumar. 5. Considering the fact that the charge sheet against the petitioner in this case has already been submitted, I am inclined to enlarge the petitioner, above named, on bail. Accordingly, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount, each, to the satisfaction of learned Special Judge, Vigilance ACB, Ranchi, in connection with Vigilance Case No.12 of 2017, corresponding to ACB (Special) P.S. Case No.11 of 2017, with a condition that the petitioner shall cooperate with the trial and shall physically appear before the court below as and when required failing which learned court below shall be at liberty to take appropriate step in accordance with law.