

Krishna Kumar Thakur vs The State Of Bihar Through Vigilance on 16 January, 2025

Author: Anil Kumar Sinha

Bench: Anil Kumar Sinha

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.80279 of 2024

Arising Out of PS. Case No.-609 Year-2024 Thana- PATNA GRP CASE Distr

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Krishna Kumar Thakur Son of Birju Thakur Resident of Village - Parwa, P
and District -Madhubani

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 86363 of 2024

Arising Out of PS. Case No.-609 Year-2024 Thana- PATNA GRP CASE Distr

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Ravi Kumar S/o Naval Ram Resident of Village- Mataurha Nadaul, P.S.-
Masaurhi, District- Patna

Versus

1. The State of Bihar
2. The Vigilance, through Senior Superintendent of Police, Railway Patna,
Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 80279 of 2024)

For the Petitioner/s : Mr.Praveen Kumar

For the State : Mr. Nawal Kishore Prasad

For the vigilance : Mr. Anil Singh

(In CRIMINAL MISCELLANEOUS No. 86363 of 2024)

For the Petitioner/s : Mr.Satish Chandra

For the State : Mr.Md. Mushtaque Alam

For the Vigilance : Mr. Anil Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

1. Since both these applications arise out of G.R.P. Patna Police Station Case No. 609 of 2024, with the consent of the parties, both these applications are heard together.
2. Heard learned Counsel for the petitioners, learned Patna High Court CR. MISC. No.80279 of 2024(3) dt.16-01-2025 Counsel for the Vigilance and learned Additional Public Prosecutor for the State.
3. These applications, for grant of anticipatory bail, arise out of G.R.P. Patna Police Station Case No. 609 of 2024, dated 25.08.2024, disclosing offences punishable under Sections 308(5)/319(5)/318(4) of the Bhartiya Nyaya Sanhita, 2023 and Section 7 of the Prevention of Corruption Act, 1988.
4. The prosecution case, as per the First Information Report, is that in the intervening night of 1st and 2nd August, 2024, one Somnath Naiya, having alias names as Dhiraj Kumar and Rahul Singh, son of Deep Naiya, resident of West Bengal, was brought to the G.R.P., Patna, at Patna Junction, by some passengers with allegation that he was indulged in cheating the railway passengers and was making an attempt in this regard. The said Somnath Naiya was released by the police officials, including the petitioner Krishna Kumar Thakur after taking a sum of Rs. 20,000/- in cash from him and also in the account of petitioner Ravi Kumar through pay-phone to the tune of Rs. 19,000/-, which was sent by the relative of Somnath Naiya, namely, Dev Kumar Haldar. On 03.08.2024, a sum Patna High Court CR. MISC. No.80279 of 2024(3) dt.16-01-2025 of Rs. 19,000/-, Rs. 7,000/- and Rs. 13,000/- was returned by the petitioner Krishan Kumar Thakur through the petitioner Ravi Kumar and petitioner Ravi Kumar, in turn, sent it to Dev Kumar Haldar, who is the relative of Somnath Naiya and had sent Rs. 19,000/- through pay phone on the mobile of petitioner Ravi Kumar and Ravi Kumar, in turn, sent it to the Constable Krishna Kumar Thakur (petitioner).
5. Learned Counsel for the petitioners submits that they have falsely been implicated in this case with ulterior motives at the behest of higher authorities. The allegation against the petitioner Krishna Kumar Thakur is that on his mobile number 9507962004, a sum of Rs. 19,000/- has been transferred from the mobile of the petitioner Ravi Kumar, who is the Mess Operator at Patna Junction Railway Station. The petitioner Krishna Kant Thakur is a Constable and on the date and time of the occurrence, he was posted at G.R.P., Patna Junction, and the money transaction was going on between the petitioners for mess purposes. There is no material available on record to establish the complicity of the petitioner Krishna Kumar Thakur regarding taking bribe.

Patna High Court CR. MISC. No.80279 of 2024(3) dt.16-01-2025

6. Learned Counsel for the petitioner Ravi Kumar submits that six persons are named in the First Information Report, including the petitioner Ravi Kumar and there is no specific allegation against the petitioner that he extorted money by putting any person in fear of death or grievous hurt. In fact, one Dev Kumar Haldar transferred a sum of Rs. 19,000/- from his mobile no. 7501818507 to the mobile number of the petitioner, bearing number 8507371421 and in turn, the petitioner transferred the money on the mobile number of the petitioner Krishan Kumar Thakur, Constable No. 416, bearing number 9507962004, which was re-transferred to the victim Dev Kumar Haldar. In fact,

Rahul Singh @ Somnath Naiya was not arrested with a view to save the skin of G.R.P. Police Officials and a false complaint has been instituted in order to blackmail the petitioners. The petitioner Ravi Kumar is a private person and runs a mess at Patna Junction and he cannot take any bribe to the tune of Rs. 19,000/-, which has ultimately been returned to the victim. He further submits that Section 7 of the Prevention of Corruption Act, 1988, is not attracted against the petitioner.

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7. On the other hand, learned Counsel for the Vigilance vehemently opposes the prayer for anticipatory bail and submits that processes/proclamation under Section 82 of the Code of Criminal Procedure, 1973 for appearance of the petitioners have been issued by the learned Special Judge, Vigilance, on 21.11.2024. The petitioners are evading their arrest, as such, the anticipatory bail after issuance of proclamation under Section 82 of the Code of Criminal Procedure, 1973, is not maintainable on their behalf. The petitioners are named in the First Information Report and the petitioner Krishna Kumar Thakur was posted in the G.R.P., Patna Junction, as Constable No.

416. The money was paid in the account of the petitioner Krishna Kumar Thakur by the petitioner Ravi Kumar, which was withdrawn on the same date and on the next date. The same amount was transferred back in the account of petitioner Ravi Kumar by the petitioner Krishna Kumar Thakur and then the petitioner Ravi Kumar transferred back the money in the account of victim Dev Kumar Haldar, who is the relative of Somnath Naiya.

8. In substance, the allegation is that accused persons, Patna High Court CR. MISC. No.80279 of 2024(3) dt.16-01-2025 including other officials, posted in the G.R.P. Patna Junction, in the garb of some offence brought a person to the G.R.P. Post at Patna Junction, harassed the victim and extorted money for releasing him without lodging any complaint. The statutory permission, under Section 17A of the Prevention of Corruption Act, 1988, as amended in the year 2018, was obtained against the petitioner Krishna Kumar Thakur. The prosecution sanction under Section 19 of the Prevention of Corruption Act, 1988, has also been obtained. There is sufficient material against the petitioners including the material that the petitioners re- transferred the amount in question to the relative of Somnath Naiya, namely, Dev Kumar Haldar. This, prima facie, establishes the involvement of the petitioners in the present offence. Upon receipt of the amount, the petitioner Krishna Kumar Thakur withdrew a total sum of Rs. 18,000/- in different transactions from HDFC Bank ATM, at New Market and thereafter he was seen in the CCTV entering into the cabin of Station House Officer Pankaj Kumar.

9. Having heard learned Counsel for the parties concerned and taking into consideration the materials collected Patna High Court CR. MISC. No.80279 of 2024(3) dt.16-01-2025 during course of investigation, including the fact that proclamation under Section 82 of the Code of Criminal Procedure, 1973 has already been issued against the petitioners, I am not inclined to grant the petitioners privilege of anticipatory bail.

10. These applications are, accordingly, dismissed (Anil Kumar Sinha, J.) Prabhakar Anand/-

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