

District – BHAGALPUR
In The Court of Special Judge Vigilance (Trap), Bhagalpur

Present : - **Deepak Kumar-I**
Special Judge (Vigilance)
-cum-District & Additional Sessions Judge – II,
Bhagalpur

Special Vigilance Case No: 27 of 2007

State Vs. Ashok Paswan

Judgment dated :- **30th day of June, 2026.**

Complainant	State through Sita Ram Mandal
Represented by	Sri Ram Badan Rai Choudhary, Ld. Special P.P. (Vigilance)
Accused Person	Ashok Paswan , age 60 years, S/o Kamleshwari Paswan.
Represented by	Sri Anurag Kumar, Ld. Advocate

FORM B

Date of offense	28.06.2007 to 12.07.2007
Date of FIR	13.07.2007
Date of Charge sheet	10.09.2007
Date of framing of charges	29.01.2016
Date of commencement of evidence	25.02.2016
Date on which judgment reserved	17.06.2026
Date on which judgment pronounced	30.06.2026
Date of sentencing order, if any	

Accused Details:

Rank of the accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of detention undergone during trial for purpose of section 428 Cr.P.C
1.	Ashok Paswan			U/s 7/13 (2) r/w 13 (1) (d) of P.C. Act, 1988.	Convicted	Convict is sentenced to undergo rigorous imprisonment for 2 years and also to pay fine of Rs. 10,000/- for the offence U/s 7 of P.C. Act and in default in payment of fine, the convict shall further undergo two months simple imprisonment. Further, convict is also sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs. 10,000/- for the offence U/ s 13 (2) r/w 13 (1)(d) of P.C. Act, 1988 and in default of payment of fine, the convict shall further undergo one month simple imprisonment. Both sentences shall run concurrently.	-

Form C

List of Witness: - Prosecution/ Defense/ Court Prosecution

Rank	Name	Nature of Evidence
PW-1	Pawan Kumar Yadav	Contested, Member of Trap Team
PW-2	Mukesh Kumar	Contested, Verifier
PW-3	Ram Ayodhya Singh	Contested, Member of Trap Team
PW-4	Chandrika Prasad	Contested, Dhabadal Prabhari
PW-5	Sitaram Mandal	Contested, Complainant
PW-6	Upendra Prasad Singh	Contested, I.O.
PW-7	Suresh Paswan	Contested, FSL Expert
PW-8	Manjeet Kumar Sharma	Contested, Clerk, District Legal Section, Munger Collectorate.

Defense Witness, if any:

Rank	Name	Nature of Evidence
	NIL	NIL

Court Witness, if any:

Rank	Name	Nature of Evidence
	NIL	NIL

List of Exhibits – Prosecution:-

Sl No.	Exhibited List	Corrected Exhibit Lists vide order dt. 19.05.2026
1.	Ext.-P-1/PW-1 to P-1/3/PW-1	Ext.-P-1/PW-1 to P-1/3/PW-1
2.	Ext.-P-2/PW-1 to P-2/2/PW-1	Ext.-P-2/PW-1 to P-2/2/PW-1
3.	Ext.-P-1/PW-2 to P-1/3/PW-2	Ext.-P-3/PW-2 to P-3/3/PW-2
4.	Ext.-P-2/PW-2 to P-2/2/PW-2	Ext.-P-4/PW-2 to P-4/2/PW-2
5.	Ext.-P-1/PW-3 to P-1/3/PW-3	Ext.-P-5/PW-3 to P-5/3/PW-3
6.	Ext.-P-2/PW-3 to P-2/2/PW-3	Ext.-P-6/PW-3 to P-6/2/PW-3
7.	Ext.-P-1/PW-4	Ext.-P-7/PW-4
8.	Ext.-P-2/PW-4	Ext.-P-8/PW-4
9.	Ext.-P-3/PW-4 to P-3/3/PW-4	Ext.-P-9/PW-4 to P-9/3/PW-4
10.	Ext.-P-4/PW-4 to P-4/2/PW-4	Ext.-P-10/PW-4 to P-10/2/PW-4
11.	Ext.-P-5/PW-4	Ext.-P-11/PW-4
12.	Ext.-P-6/PW-4	Ext.-P-12/PW-4
13.	Ext.-P-7/PW-4	Ext.-P-13/PW-4
14.	Ext.-P-8/PW-4	Ext.-P-14/PW-4
15.	Ext.-M-1/PW-4 to M-1/10/PW-4	Ext.-M-1/PW-4 to M-1/10/PW-4
16.	Ext.-M-2/PW-4	Ext.-M-2/PW-4
17.	Ext.-M-3/PW-4	Ext.-M-3/PW-4
18.	Ext.-P-1/PW-5	Ext.-P-15/PW-5
19.	Ext.-P-2/PW-5	Ext.-P-16/PW-5
20.	Ext.-P-3/PW-5	Ext.-P-17/PW-5

21.	Ext.-P-4/PW-5	Ext.-P-18/PW-5
22.	Ext.-P-5/PW-5 to P-5/3/PW-5	Ext.-P-19/PW-5 to P-19/3/PW-5
23.	Ext.-P-6/PW-5 to P-6/2/PW-5	Ext.-P-20/PW-5 to P-20/2/PW-5
24.	Ext.-M-1/PW-5 to M-1/10/PW-5	Ext.-M-4/PW-5 to M-4/10/PW-5
25.	Ext.-P-1/PW-6	Ext.-P-21/PW-6
26.	Ext.-P-2/PW-6	Ext.-P-22/PW-6
27.	Ext.-P-3/PW-6	Ext.-P-23/PW-6
28.	Ext.-P-4/PW-6	Ext.-P-24/PW-6
29.	Ext.-P-5/PW-6	Ext.-P-25/PW-6
30.	Ext.-P-6/PW-6	Ext.-P-26/PW-6
31.	Ext.-P-7/PW-6	Ext.-P-27/PW-6
32.	Ext.-P-8/PW-6	Ext.-P-28/PW-6
33.	Ext.-P-1/PW-7 to P-1/1/PW-7	Ext.-P-29/PW-7 to P-29/1/PW-7
34.	Ext.-P-2/PW-8	Ext.-P-30/PW-8

List of Exhibits- Defence

Sl. No.	Exhibits	Exhibit Details
1.	Ext.-A	Certified Copy of Mutation
2.	Ext.-A/1	Certified copy of order of Circle Officer Kharagpur in case No. 17/2007 dated20.06.2007
3.	Ext.-B	Certified copy of Raiyati Panji-2 in the name of Halkhori Mandal
4.	Ext.-B/1	Certified copy of Raiyati Panji-2 in the name of Smt. Kaushalya Devi

Material Exhibits:-

Sl. No.	Exhibit	Exhibit Details
1.	M-1/PW-4 to M-1/10/PW-4	One Five Hundred G.C. note and Ten notes of One Hundred Notes
2.	M-II/PW-4	Seven applications regarding mutations recovered from the house of accused
3.	M-III/PW-4	Application of Dakhil-Kharij of Kaushlya Devi

Defense:-

Court:-

Sr. No.	Exhibit Number	Description
	NIL	NIL

J U D G E M E N T

1. The above named accused person namely Ashok Paswan is facing trial for allegedly committing the offense punishable under sections U/s 7/13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988.
2. The prosecution case, as per written report of informant Sita Ram Mandal, in brief is that on 28.06.2007 the records pertaining to land was submitted to the petitioner, who was

employee of Revenue Department, to get the name of complainant to enter in the mutation record. It is further alleged that the petitioner demanded a bribe of Rs. 1800/- for sending the said records. Hence, this FIR is lodged.

3. Vigilance Patna Police Station Case No. 85/2007 dated 13.07.2007 was registered U/s 7/13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 in the matter of station diary No. 98/10.07.2007 and after investigation, Investigating Office (I.O.) has submitted the charge sheet No. 206/2007 dated 10.09.2007 against the sole accused person Ashok Paswan.
4. Prosecution sanction was given by Investigating Officer and accordingly cognizance was taken U/s 7/13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 and copies were supplied to the accused and charges were framed against the accused under sections U/s 7/13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 on 29.01.2016 in which the accused pleaded not guilty and claimed to be tried.
5. Order-sheet further reveals that the prosecution evidence was closed on 27.11.2025. On 06.02.2026 the statement of the accused Ashok Paswan has been recorded under Section 313 of Cr.PC. in respect of incriminating evidence adduced by the prosecution witnesses and the defense which has been taken by the accused is denial of such occurrence and claimed to be innocence. During the argument the exhibits are corrected on dated 19.05.2026 on the request of prosecution as well as defence.
6. Now it is to be adjudicated as to whether the prosecution has succeeded to bring home the charges against the accused beyond the shadow of all reasonable doubts or not?
7. In order to substantiate the guilt, prosecution has examined aforementioned witnesses and adduced aforementioned documentary evidence.
8. In defense on behalf of the accused person has adduced some documentary evidence on record.
9. Now the main point for determination in this case is whether the prosecution has been able to prove its charges against the accused person beyond the shadow of all reasonable doubts or not ?

FINDINGS

10. **PW-1, Pawan Kumar Yadav (Member of Trap Team).** This witness has deposed in his

examination-in-chief that On 12.07.2007, I was posted at the Vigilance Regional Office, Bhagalpur. That day, the verifier submitted a report, based on which a pre-trap memorandum was prepared, which I signed. It consists of four pages, marked as Exhibits P-1/PW-01 to P-1/3/PW-01. Constable Mukesh Kumar verified Sitaram Mandal's application. Sitaram Mandal gave 1500 rupees, which was demanded by accused. Sub-Inspector Chandrika Prasad was incharge of the trap team. On 12.07.2007, I departed for village Lohchi, under the Kharagpur police station in Munger district. I was accompanied by the verifier and the complainant. We arrived around 10 o'clock. When we arrived, the accused had set up an office room in Murlidhar Jaiswal's house. We stopped a short distance away, and when the verifier and complainant approached the house, we found it locked. The verifier and complainant asked the landlord why revenue employee Ashok Paswan hadn't come to the office. They told us that there was a protest at the Munger District Collectorate, where he would be found there. The verifier and complainant came back and informed the investigation team in-charge, and we arrived at the protest site around 11:00 am. We parked our vehicle a short distance from the Collectorate and sent the verifier and complainant to the protest site. They went and met employee Ashok Paswan. While talking, the three of us went to a nearby Paan shop where the bribe was given. The verifier signaled, and all of us, members of the investigation team, quickly surrounded him. I grabbed the accused's left hand. Due to the large crowd, the investigation team in-charge called two independent witnesses, who stated that the revenue employee had taken a bribe of fifteen hundred rupees, which was in his left fist. The independent witness was then given a pre-tape memorandum to read. The number of the notes on it was the same as the number recovered from the fist in his left hand. There was one five hundred rupee note and ten one hundred rupee notes each. We then went to the Kotwali police station in Munger, where we prepared the post-tape memorandum. After using the left hand wash, we placed it in a clean CC and pasted a paper on it, which everyone signed. The post-tape memorandum is three pages long, each of which bears my signature, which I recognize as Exhibit P-2/PW-01 and P-2/2/PW-01. We then picked up the accused from the Kotwali police station in Munger and proceeded to village Lohchi. We took the accused's key to the room in Murlidhar's house from the accused. When we went there, we recovered three documents belonging to Sitaram Mandal, two in his father's name and one in his wife's name. A seizure list was prepared for these documents. Afterward, we departed for the Vigilance Investigation Bureau. He recognizes Ashok Paswan present in the court today.

During his cross examination, this witness has deposed that Mukesh Kumar, a member of his team, is currently in Court. He doesn't know the names of the people who testified at the places where he did. He has no problem with the investigator in this case.

He hasn't noticed any flaws in his performance. He did not say in my police statement that a separate office was opened in the house of accused Murlidhar Paswan and it was locked and people told that he had gone for protest. He did not prepare a search and seizure list for all members of the Dhavadal. This case primarily concerns the mutation of land. We did not investigate the land deeds of all the Dhavadal members nor did we obtain information about whether the deeds were fraudulent or genuine. He is not aware whether the land is actually registered in the name of Kaushalya Devi, whose Tauji No. 6268, Thana No. 12, Khasra 288, Khata 53 and its mutation has been done through No. He does not have the recovered note before him at present. He doesn't know the exact amount of sodium and phenolphthalein powder used to prepare the solution. My signature is on the glass bottle but he doesn't know whether it's on the top or bottom. He didn't write the pre-trap memorandum, he made only signature and he don't know what was written on its first, second, or other pages. He traveled in a government vehicle. He didn't check the log book. He didn't have a wireless network. He didn't take any public representatives with him. It is not the case that the accused has been falsely implicated in this case and nothing has been recovered.

11. **PW-2, Mukesh Kumar (Verifier).** This witness has deposed in his examination-in-chief that on 28.06.2007, he was posted at the Vigilance Bureau, Patna. Complainant Sitaram Mandal filed an application against accused Ashok Paswan. He was ordered to verify it. He accompanied with complainant to the office of accused Ashok Paswan in a room in Muralidhar Paswan's house in Lohchi Bazaar, which he verified. The accused demanded Rs. 1800/- to which the complainant immediately paid Rs. 300 and was asked to return with the remaining Rs. 1500/- on 12.07.2007. He then submitted report on 10.07.2007. A search team was subsequently formed, with Chandrika Prasad Vigilance Inspector, as its in-charge. The team consisted of six members. The complainant deposited Rs. 1500/- with the Bureau, and legal proceedings were initiated. A pre-trap memorandum was then prepared, consisting of four pages, each signed and identified by verifier, as **Exhibits P-1/ PW-02 to P-1/3/PW-02**. We then reached Lohchi Bazaar, where the landlord's son informed us that the accused had gone to the District Collectorate for a protest today. We then proceeded from Lohchi to the Collectorate in Munger. The complainant summoned the accused, and we reached a Paan shop, where the accused demanded a bribe. The accused offered the bribe, which the accused held in his left fist. Meanwhile, he scratched his hair and signaled to the other members of the investigation team. Afterward, everyone arrived, and a crowd gathered. Two independent witnesses appeared, and the pre-trap memorandum was read to them. The accused was searched. After that, the accused had his left and right hands washed respectively. The washcloths from both hands were sealed in a

CCTV camera and pasted on a paper, which everyone signed. A post-trap memorandum was then prepared consisting of three pages, each of which bears my signature, which he recognize as Exhibit **P-2/PW-2 to P-2/2/PW-2**. We then went to the accused's office in Lohvi Bazar. The accused opened the door. The room was searched. During the search, three documents provided by Sitaram Mandal were found, two in the name of father of Sitaram Mandal and one in the name of Sitaram Mandal's wife. These documents were seized and a seizure list was prepared. We then returned to the Bureau.

During his cross examination, this witness has deposed that no search and seizure list was prepared for me, or for any member of my team. I do not consider myself a public representative. He did not review the records. He did not verify who owned the land for which he had submitted the registration papers for mutation, or whose name the Khatian was in. He did not provide any certificate to the witness. The solution was kept in two glasses marked B and C. He does not know whether the Jar containing the solution was numbered or not. The three hundred and fifteen hundred rupees given did not have any special mark on it. When any item is kept in the storeroom, it is inspected and agitated. He does not know how or where it was kept in the storeroom. The accused was wearing a green T-shirt that day, and he does not know the color of his pants. He does not know what color dress the accused was wearing in any other case. Muralidhar Jaiswal is not a witness in this case. He has no documentary evidence that the accused run an office in Murlidhar Jaiswal's house. He doesn't know the exact location of the crime scene. It is not the case that the accused has been falsely implicated in this case and nothing has been recovered.

12. **PW-3, Ram Ayodhya Singh (Member of Trap Team).** This witness has deposed in his examination-in-chief that on 12.07.2007, he was posted to the Vigilance Department, Bhagalpur. A search team was formed before me. The investigation team was headed by Chandrika Prasad, Inspector of Police. The investigation team consisted of six members: Chandrika Prasad, Ram Ayodhya Singh, Anil Kumar Singh, Himanshu Bhushan Sharma, Mukesh Kumar, and Pawan Kumar Yadav. The complainant, Sitaram Mandal, Sub-Inspector, submitted an application to the Vigilance Department, Patna, alleging that Mr. Ashok Paswan, Revenue Officer, Anchal Haveli Kharagpur, had demanded a bribe of Rs. 1800/- for a mutation. Constable Mukesh Kumar conducted the verification. Mukesh Kumar submitted the verification application on 10.07.2007. Mukesh Kumar found the allegations to be true in his verification. Subsequently, on the orders of the Director General of Police, the investigation team was formed on 10.07.2007 and pre-trap memorandum was prepared which is in total four pages each page bears his signature which he recognises as **Exhibit-P-1/PW-3 to P-1/3/PW-3**. On 12.07.2007 they arrived at the accused's rented house in Lohchi Bazaar. Upon arriving at Lohchi Bazaar, the verifier

and the complainant were sent to the accused's office. Upon inquiring, we learned that he was not there, he had gone to the Munger District Magistrate's office to stage a protest. A short while later, when the verifier and the complainant arrived, the accused was eating Paan at a Paan shop. Shortly thereafter, the verifier signaled him, and he arrived and surrounded the accused. A commotion ensued, and some people gathered. The officer-in-charge requested two independent witnesses from the crowd. The men agreed to testify. One Ganga Kumar and the other whose name he doesn't remember. The verifier and the complainant then confirmed that the accused was the one who had just received a bribe of Rs. 1500/- and was holding it in his left hand. The two independent witnesses were then given a pre-trap memorandum to read. After reading it, both signed. The accused was then searched, and Rs. 1500/- was recovered from his left fist. The recovered note was compared with the note number printed on the pre-trap, and a note was found. The note was seized, and all independent witnesses in the trial signed on the recovered note. The accused was then arrested, and a solution of sodium carbonate was prepared in two lead glasses, and his hands were washed. A post-trap memorandum was prepared on the spot, consisting of three pages, each of which bears his signature, which he recognize as **Exhibit P-2/3/P-2/2/PW-3** is designated PW-3. His statement was taken by the investigator in this case. He recognize the accused present in court today.

During his cross examination, this witness has deposed that 4. At the time of the incident, Chandrika Prasad was the police inspector. He is not aware of his involvement in the Bhagalpur Civil Court case. He does not know whether he was the first accused in this case. He is not aware of his involvement in assaulting judges and lawyers. He has not seen the FIR filed in the court case. He is not aware of his appearance as an accused before the Judicial Commission. The recovery took place in my presence. One note was for five hundred rupees and ten were for one hundred rupees each. He cannot provide the note numbers. He did not leave any special mark on the notes. No official had placed any special mark on the recovered currency. The recovered notes were kept in the storehouse by the I.O. He wrote the pre-trap memorandum in the Vigilance Department office in Bhagalpur. He doesn't remember how long after the pre-trap was written the post-tape memorandum. He didn't prepare the log book. He didn't sign it. Chandrika Prasad signed it. It is not the case that Chandraka Prasad was under suspension at that time and did not sign the log book. He doesn't know the item number of the seized items in the storehouse register. A search and seizure list was prepared for me and the officer accompanying me, but I don't know its number. I don't remember whether all the officers signed the search and seizure list. He does not recall whether the accused's family was informed of his arrest before he was taken into custody. The accused was wearing green clothing. There were no other individuals present except the Vigilance officer and member. He didn't eat on the

way. He doesn't remember how long it took to get from Bhagalpur to Patna. I've known Ashok Paswan since he was arrested. He can't count the number of people he has arrested during my entire service. He has not investigated the documents for which the complainant has leveled allegations against the accused. He does not recall which account, land records, or village the allegations relate to. It is not true that he filed this false case without verifying information obtained with ulterior motives and did not discharge my duties properly. It is not true that he gave false testimony or fabricated statements.

13. **PW-4, Chandrika Prasad (Dhabadal Prabhari).** This witness has deposed in his examination-in-chief that on 28.06.2007, he was posted as a Sub-Inspector in the Vigilance Regional Office in Bhagalpur. The complainant is Sitaram Mandal. The complainant's complaint was submitted to the Vigilance Police Station on 28.06.2007. Based on the application, an order was issued that Constable Mukesh Kumar would conduct the verification. Mukesh Kumar submitted his verification report on 10.07.2007, which is in the handwriting and signature of Constable Mukesh Kumar, whom he recognize as **Exhibit P-1/PW 4**. The verification report bears the endorsement of S.P. P.N. Mishra, whom he recognize as **Exhibit P-2/PW-4**. On 11.07.2007, the investigation team was formed and he was informed. In light of this, he was appointed the Investigation Team in-charge. Besides him, the team included Mukesh Kumar, Pawan Kumar Yadav, Ram Ayodhya Singh, Anil Kumar Asu, and another constable whose name he doesn't remember. On 12.07.2007, all members and the complainant were called for a pre-trap meeting. At the pre-trap meeting, the complainant stated that Ashok Paswan, a revenue employee at Haveli Kharagpur, Munger, demanded Rs. 1800/- for a mutation and stated that the work would not be completed until the money was paid. The verifier also supported the complainant's statement. The complainant had given Rs. 300/- to the accused at the time of verification. The accused had asked him to bring the remaining Rs. 1500/- on the 12th. There was tented amount one Rs. 500 note and ten Rs. 100 notes. Phenolphthalein powder had been demonstrated earlier. After applying phenolphthalein powder to all the notes, they were returned to the complainant with the instruction that they would only pay the bribe amount if the accused demanded it, otherwise not. The pre-trap memorandum was written by Ram Ayodhya Singh at my direction. The Pre-Trap Memorandum is in total four pages, each page bearing my signature, which he recognises as **Exhibits P-3/PW-4 to P-3/3/PW 4**. The witness signed the Pre-Trap Memorandum after the post-trap was prepared. After that all the team members washed their hands thoroughly with soap and water, after that we left for Lohchi Bazaar for our work place. After reaching Lohchi Bazaar, the verifier and the complainant went to the house of the accused and came to know that the accused had gone to Munger to participate in the protest. After that we all

went to Munger where we reached at 11 o'clock. The verifier, the complainant and the accused were at a Paan shop, from where he scratched his hair and signaled us, so we reached there. Pawan Kumar Yadav caught the fist of the accused's left hand and Ram Ayodhya Singh caught the fist of his right hand. There was a huge crowd there, so we called two men as witnesses. He came when asked to appear. Following the rules of search, he searched the accused and found Rs. 1500/- in his left fist. When the number of the pre-trap note was matched with the number of the pre-trap note, it was found to be the same. After that, we went to the Kotwali police station and prepared a post-taped memorandum. After washing the accused's hands one by one, their color changed from white to pink. This was sealed in separate glass bottle and marked as exhibits. The post-taped memorandum was prepared by Ram Ayodhya Singh at my request. It is a total of three pages, each of which bears my signature, which he recognize as Exhibits **P-4/PW-4 to P-4/2/PW4**. A copy of the post-trap memorandum was given to the accused and his signature was obtained. All the witnesses and he signed the note. After that, they came to the accused's residence at Lohchi Bazar along with the accused and searched his residence. The application of the complainant was found for which a seizure list was prepared, which was prepared by Ram Ayodhya Singh on my instructions, on which my signature is there, which he recognize, which is marked as **Exhibit-P-5/PW-4**. The report of the investigation proceedings was written by Ram Ayodhya Singh on my instructions, on which there is my signature, which he recognizes, which is marked as **Exhibit-P-6/PW-4**. The endorsement of registering the case on the Arrest Court proceedings report is of the Superintendent of Police cum Station House Officer, Patna, whom he recognize, which is marked as **Exhibit-P-7/PW-4**. The order for registering the case on the Arrest Proceeding Report is signed by the Director General, Vigilance Investigation Bureau, Patna, whom he recognize as **Exhibit-P-8/PW-4** is marked. He recognizes the accused present in the court today.

A yellow envelope bearing the inscription MR No. 105/07, Case No. 85/07, tendered Money Rs. 1500/-, contained one five hundred rupee note and ten one hundred rupee notes. Collection money records from one to eight were sealed as per the relevant list, which was opened by court order. Upon opening, a small yellow sealed envelope was found, which was also opened by court order. A file containing seven applications for mutation was found. Upon opening the small yellow envelope, one five hundred rupee note and one ten hundred rupee note were found. This was shown to the witness, who stated that these were the same notes that he had seized, marked as **Exhibits M-1/PW-4 to M-1/10/PW-4**. When the file containing seven applications related to mutation was shown to the witness, he said that this is the same file which I had recovered from the residence of the accused. The entire file is marked as **Exhibit-M-2/PW-4**. All the notes bear the

signatures of all the members of the Dhavadal and the complainant. On the first number of the said file is the mutation application of Kaushalya Devi, wife of Sitaram Mandal (complainant), which he recognized and which is marked as **Exhibit M-3/PW-4**. He recognized the accused present in the court today.

During his cross examination, this witness has deposed that he is not aware of the Government Servant Classification Control Rules and the Appeal Rules. He did not consult the Control Rules while carrying out these proceedings. He did not include a public representative in the preparation of both the pre-trap and post-trap proceedings. The pre-trap raiding party consisted of six members. The post-trap raiding party consisted of ten members. No separate search and seizure lists were prepared for the team members involved in the post-tape and pre-trap raids. The recovered currency does not bear any special markings. The bottom of the pre-trap and post-trap no mark was given. The confiscated goods are kept in the storehouse. When goods are placed in the storehouse, they are recorded in an entry register, and when they are taken out, they are recorded in an exit register. He doesn't know what entry numbers are used when they are placed in the storehouse and when they are taken out. The accused was wearing a blue shirt and he doesn't remember the color of his pants. He doesn't know whether Murlidhar Jaiswal is a witness in this case. The accused's landlord's consent was not obtained before searching his private room. He did not investigate the relationship of the woman with her husband in the sale deed. Pre-trap and post-trap memorandums took three and a half hours to prepare. Both memorandums were prepared in two places. He doesn't remember the type of bottle the solution was stored in. He did not check the Khatian or the records related to the Khata. It is not the case that he has given false testimony in this case.

14. **PW-5, Sitaram Mandal (Complainant).** This witness has deposed in his examination-in-chief that he has given an application to Vigilance Patna on 28.06.2007 which was in his handwriting and signature which he identified the same and marked as **Ext.-P-1/PW-5**. He has given an application to Circle Office, Kharagpur stating therein that there was Kewala in the name of his father and wife on 02.01.2007. Further, stated that 93 decimal of land was in the name of his father and 28 decimal of land was in the name of his wife and the Mauza of said land was Teliyadih. He applied for mutation. Accused Ashok Paswan demanded Rs. 1800/- for mutation and he refused to pay. He had given three applications to Circle Officer, one of which was signed by his wife Koshalya Devi and the other two by his father Late Halkhori Mandal. These three applications are marked as **Exhibits-P-2/PW-5 and P-4/PW-5**, respectively. A deed for land mutation was attached to all three applications. Constable Mukesh Kumar was sent to investigate the application. When the accused was called to the Paan shop, he said it would cost Rs. 1800/-. He replied that he

had three hundred rupees, so he said 'give it to me' and promised to pay the Rs. 1500/- on 12.07.2007. This entire conversation took place in front of verifier Mukesh Kumar. Mukesh Kumar called him to Patna on 10.07.2007 formed a team, and then called him to Bhagalpur combined building. On 12.07.2007, team members Chandan Prasad, Ram Ayodhya Singh, Upendra Singh, Anil Kumar, Kukesh Kumar and Pawan Kumar Yadav all arrived. Later, when we went to Bariyarpur, we learned that Ashok Paswan had gone to Munger for a protest. We found Ashok Paswan at the protest and called him to the Paan Stall near the Collectorate. We gave the accused Rs. 1500/-. We gave him a five under rupee note and ten one hundred rupee notes. He had put the money in an envelope coated with powder. The accused counted the money and kept it in his left hand. The vigilance team arrived and apprehended the accused. Rs. 1500/- has been recovered from accused's hand. His three applications were recovered from a box there, alongwith documents belonging to three or four other individuals. Pre-trap memorandum is in total four pages, each page of which bears his signature which he recognize as **Ext.-P-5/PW-5 to P-5/PW-5**. Post-trap memorandum was made up of three pages in total and his signature is on each page. The post trap memorandum which he identified the same which is marked as **Ext.-P-6/PW-5 to P-6/2/PW-5**. He also signed on recovered money which is marked as **Ext.-M-1/10/PW-5**. He identified the accused.

During his cross examination, this witness has deposed that he did not inquire about the rent roll register at the block before applying for mutation. He did not find out in whose name the land he had purchased was registered. The application was written at home and then again in Patna. At home, two applications were made in his father's name Halkhori Mandal and the third in his wife's name Kaushalya Devi. He does not remember what was written in the first paragraph of the application written in Patna. He does not remember whether he was told to write the application for vigilance or not. The big yellow envelope in front of him is open. He does not remember what colour clothes the accused was wearing on the date. The Mukhiya and Sarpanch were not with him. Today he saw and identified the same paper which he had given during investigation. He cannot tell what is written at the top, middle and bottom of the paper where he have identified his signature. It is not the case that he has submitted a false application, signed a false document and given the false statement.

15. **PW-6, Upendra Prasad Singh (I.O.).** This witness has deposed in his examination-in-chief that he was posted as S.I. in Vigilance Bhagalpur on 13.07.2007 and on the same day he has received the charge of investigation of Vigilance P.S. Case No. 85/2007. He identified the signature of Prakash Nath Mishra, SHO on formal FIR which is marked as **Ext.-P1/PW-6**. He also identified the signature of complainant on formal FIR which he

identified the same which is marked as **Ext.-P-2/PW-6**.

He hand over all papers alongwith the investigation incharge with the police station vigilance FIR, arrest memo, complainant's application, verification report, pre-trap memorandum, post-trap memorandum, seizure list, goods as seized tented recovered money from accused sealed Exhibit which were entered in the case diary. Thereafter, he has taken the statements of witnesses Pawan Kumar Yadav, Mukesh Kumar, Ram Ayaodhya Singh, Chandrika Prasad, Ganga Prasad Mandal, Subodh Kumar, Sitaram Mandal who have also supported the case of the prosecution. He sent the sealed exhibit to F.S.L for examination. The spot of this incident was inspected which is Ashok Jaiswal's pann shop in front of residence of Sub-Divisional Officer Munger, where the road goes towards east-west for the Collectorate, in the meantime, there is Ashok Jaiswals's shop adjacent to the road from where the accused Ashok Paswan, Revenue employee Kharagpur, Munger was reportedly arrested red-handed. He had submitted a representation to the District Magistrate for a prosecution sanction order through proper channel which he received through proper channel from the office of the District Magistrate Munger vide letter No. 1274 dated 05.09.2007 this sanction order bears the initials of Manju Jha, SHO, vigilance dated 10.09.2007, which he recognized and is marked as **Ext. P-3/PW-6**. Being satisfied with the entire investigation, he has submitted charge-sheet No. 206/2007 dated 10.09.2007 against accused Ashok Paswan U/s 7/13 (2) r/w section 13 (1) (d) of P.C. Act which is in his handwriting and signature, which he recognized the same which is marked as **Ext.-P-4/PW-6**. He has separately submitted the list of witnesses in respect of para-13 of charge sheet who are identified in his handwriting and signature and are marked as **Ext.-P-5/PW-6**. He had separately submitted the details relating to clause 16 of the charge sheet which is in his handwriting and signature which he recognize and which is marked as **Ext.-P-6/PW-6**. He has signed the typed written application addressed to the Court for sending the exhibits for examination to the Forensic Science Laboratory which he recognized which is marked as **Ext.-P-7/PW-6**. He identified his signature addressed to Director F.S.L for sending the exhibit for examination to Forensic Science Laboratory which he identified which is marked as **Ext.-P-8/PW-6**. He identified the accused who present in dock.

During his cross examination, this witness has deposed that he has not recorded Ext.-7 in full in the case diary during the investigation. He has not recorded Exhibit-8 in full in the case diary during the investigation. He has not taken the statement of any person around the scene of the incident. He has not written the statement. He has not taken the statement of Ashok Jaiswal, the Paan owner. The accused was demanding money for the mutation of the mutation. He did not investigate whether the mutation was done or not. He reviewed the pre-trap and post trap as part of his investigation. Nine signatures are missing

from the pre-trap and post trap. He does not know which member's signature is missing from the pre-trap and post trap. Only six signatures are present. He has not taken the statement of Himanshu Bhusan Sharma, Anil Kumar Ashu. The pre-trap memorandum was made on 12.07.2007 at 07:30 hours in Bhagalpur. The post trap memorandum was made on 12.07.2007 from 13:00 hours to 15:00 hours in Kotwali police station, Munger. He had sent it to the D.M. for approval order, what all he had sent alongwith it, he has not written about that incident in the diary. He did not take statement of any person from Haveli Kharagpur, Lohchi Bazar for the purpose of investigation. He does not currently has any material exhibits before him. He conduct an investigation at the zonal office in Haveli Kharagpur. The complainant, did not provide him with any land revenue receipt for investigation. He recorded the statement of the complainant on 31.08.2007. He recorded the statement of verifier on 24.07.2007. He recorded the statement of Ram Ayodhya Singh on 06.08.2007. Witness Pawan Kumar Yadav did not say in his statement that a separate office was reopened in the house of accused Murlidhar Paswan and today he has gone for Dharna. He has no knowledge about Rs. 300/- promised by the verifier at the time of verification, nor did he investigate the matter. A pre-trap may be made away from the site of the raid. The pre-trap and post-trap memorandum must be signed by all members of the raiding team. In this case, he has not mentioned any reason for making the post trap at another place in the case diary.

16. **PW-7, Suresh Paswan (FSL Expert).** This witness has deposed in his examination-in-chief that on 25.11.2010, he was posted as Assistant Director at FSL, Patna and on that he was prepared the F.S.L No. 970/07 dated 25.11.2010. One parcel related to Vigilance P.S. Case No. 85/2007 dated 13.07.2007 was delivered to the office of Director, Forensic Science Laboratory, Patna by Pawan Kumar Yadav. The parcel was a wooden box wrapped and sealed with a cloth. Upon opening the parcel, three bottles were found, marked A, B and C. Mark A was the experimental solution, while mark B and C were the finger washed of the accused's left and right hands. Chemical tests revealed a mixture of phenolphthalein and sodium carbonate. This report is prepared by him and typed on his instructions by Typist Prithviraj Chauhan, whom he recognize, and is signed by him, who also recognize, him, and countersigned by Director-in-Charge Umesh Kumar, which are numbered **Exhibits- P-1/PW-7 to P-1/2/PW-7** respectively.

During his cross examination, this witness has deposed that he received exhibits A, B and C for testing at his laboratory on 22.08.2007. On 25.11.2010 he completed the testing and signed the test report on 25.11.2010. He cannot state the date on which they were sent to the Court. He has not recorded the reason for the delay of over three years. It is not mentioned anywhere in Exhibits A, B and C that the signature of all the officials

have been verified and he has written percentages of phenolphthalein powder and sodium carbonate by volume. There is no mandatory to written the different percentage of phenolphthalein powder and sodium carbonate in FSL Report. I.O had not taken his statement. He does not know who sent the FSL Report to the Court. Phenolphthalein powder and sodium carbonate will not evaporate even if left open.

17. **PW-8, Manjit Kumar Sharma (Clerk, District Legal Section, Munger Collectorate).**

This witness has deposed in his examination-in-chief that he was posted as Clerk in District Legal Section, Munger Collectorate. This typewritten dated 05.09.2007 is against Mr. Ashok Paswan, currently a Revenue Employee at the Circle Kharagpur, Munger, accused in the FIR of Vigilance Police Station Case No. 85/2007. It bears the initials of the then District Magistrate K. Senthil Kumar. This typewritten application is typed in the Law Office. He recognize the initials of the D.M., which is marked as **Ext. P-2/PW-8** at the request of prosecution.

During his cross examination, this witness has deposed that he was appointed in this office in the 2022 and he came to Court today to prove the Office Memorandum No. 1274/vidhi dated 05.09.2007 and at that time he was not present at his office and he identified the initial of D.M., but his name is not mentioned and the initials are unclear. He was not aware of the facts of this case.

18. I have heard the arguments of learned Spl. P.P. Vigilance for prosecution and learned defense counsel and thoroughly visited the record. **Learned counsel on behalf of Special Public Prosecutor** submitted that accused is the Revenue Officer, Teliyadih. He has demanded Rs. 1800/- as illegal gratification from the complainant and complainant paid Rs. 300/- at the time verification and Rs. 1500/- will be paid later on and on raid he has been caught red handed with Rs. 1500/- out of tainted demand. All the witnesses of raiding team supported the case it is also evident during verification the complainant was verified by Mukesh Kumar and the allegation was found true in course of verification. As per the complainant he has given there Rs 1500/- to the accused and he has accepted the same before the verifier. Complainant has also supported the case. There is no latches in the whole prosecution case. The Ld. Special P.P. of vigilance stated before the Court that all the witnesses on behalf of the State has completely proved the case of prosecution. The prosecution has adduced eight witnesses and several documentary evidences from Ext.-1 to Ext. P-30 and he has also adduced G.G. Note which was exhibited as material exhibit M-I to M-III One Five Hundred G.C. note and Ten notes of One Hundred Notes. The complainant told that Ashok Paswan, a revenue officer, demanding illegal gratification for mutation of his land of Rs. 1800/- in which Rs. 300/- given at that time and rest Rs. 1500/-

will be given later on. He has further stated that he had accompanied an official of vigilance department and instructed to participate in an official verification proceeding on 28.06.2007. The officer continued to demand money the remaining amount of Rs. 1500/-. The verified reached at a Paan Shop Lohachi, Collectorate, Munger where accused demanded his rest amount of Rs. 1500/-. Thereafter, Rs. 1500/- was given to the complainant to give the accused. The number of notes were noted down and phenolphthalein powder was applied thereon. The notes were returned to him with the instruction to only give them to the accused if demanded, otherwise not. Thereafter, chemical was mixed in the water then colour of water turned pink on dipping finger. The solution was put in a bottle. Pre-trap memorandum were prepared and all the trap-team member signed on it. Further, he has stated that he reached near Paan Shop Lohchi, Collectorate, Munger where trap team called for. He called to Ashok Paswan who sat in Dharna Pradarshan. When he met him, he while talking in the office and on the Paan shop, he asked for the money so, complainant gave him Rs. 1500, which he put in the left hand. Thereafter, the verifier sent a signal and other official who assembled there. The crowd is also assembled there. The search was made and Rs 1500/- recovered from the left hand of accused. The recovered notes were compared with the number notes, noted earlier. Thereafter, solution was prepared and fingers of hands of accused was washed therein. The solution turned pink. The solution were put in three separate bottles and document was prepared relating to the proceeding. All the witnesses of raiding team member, complainant, verifier (During investigation) supported the case of prosecution and as per section 20 of Prevention of Corruption Act, *petitioner was the public servant except gratification other than legal reconstruction*, in this, it is proved that bribe was accepted by the accused as team was recovered from his fists. Meaning thereby he has been caught red handed before the raiding team and independent witness. Raiding team members are not always entrusted witness for the purpose of recovery. These members can very well be taken to be an eye witness of recovery and in this regard the Ld. Special Public Prosecutor has also relied several citations such as *State of Punjab Vs. Karnail Singh SC 2003 Cri. L J 3892*, *Sushil Kr. Tiwari Vs. Hare Ram Tiwari S.C. 2025*, *Riyazul Vs. State of Jharkhan 2016 Cri Ri 1282/2016*, *Govt. of India Ministry of Personnel, Public Grievances and Persons Vs. Dept. of Personnel and Training memo dated 10th November, 2008* and the citation of Hon'ble Supeme Court in *Niraj Dutta Vs. State of Govt. of NCT of Delhi*. In this citation, Hon'ble Supreme Court cited that accused has accepted or agreed to accept in gratification, the section does not say that the said condition should be satisfied through the direct offence its only requirement is that it must be proved with accused as accepted or agreed to accept the gratification. As per Prevention of Corruption Act the legislature has used the word shall presume not may presume which means the prosecution has to be

raised as it is a presumption of law and thereafter it is obligatory in Court to raise the presumption. There is an offer to pay bribe by the giver without being and demand from public servant and rather simply accept the offer and received the illegal gratification and in this matter explanation as per section 7 of P.C. Act. There is no prior need to demand by the public servant. The Ld. Spl. P.P. vigilance further submitted that prosecution has completely able to prove the charges levelled against the accused Ashok Paswan beyond all reasonable doubt and accordingly accused is liable for conviction.

19. **On the other hand, Ld. Defence lawyer on behalf of petitioner accused** submitted before the Court that the defence has strongly pressed in his argument that from perusal of evidence of PW-5 it is evident from para-1 & 2 that three applications for mutation were given to Circle Officer on 02.01.2007 by the complainant (PW-5) whereas the complainant's petition stated that the applications for mutation were produced before accused at the house of Murlidhar Jaiswal situated at Lohcahi Bazar on 02.01.2007. There is no consistency in the evidence of PW-5 on the point of submission of applications for mutation. Both statements cannot be true. PW-5 has stated at para-3 that accused called at Paan shop where complainant has given Rs. 300/- at that time and rest Rs. 1500/- will be paid on 12.07.2007 and another two persons Upendra Kumar and son of house owner were also worked at that place but prosecution has not taken the statements of both persons before the Court. In the matter of recovery of Rs. 1500/- it is evident that PW-5 has given inconsistent with the post trap part of the evidence of this case and on perusal of evidence of PW-2 (verifier) and evidence of other witnesses alongwith evidence of PW-5, it is quite evident that the presence of PW-2 is nowhere at the time of giving the bribe money to the accused. Further, there is no any demand by the accused from the PW-5 upon which the bribe amount was delivered. Further, there is nothing in the evidence of PW-5 that both the hands of accused were dipped/washed in the chemical solution of Sodium Carbonate as stated in the post trap memorandum. This clearly reveals that the evidence of PW-5 is quite contrary to the documentary evidence and other oral evidence of the witnesses. On perusal of the exhibit A, A/1, B and B/1 it is quite evident that the work of mutation was already done in Camp Office on 20.06.2007 much earlier than the complainant filed on 28.06.2007. Hence, the question of demand of bribe for mutation work at the hand of accused does not arise. That the role of accused in the work of mutation is to the limited extent and he has to submit report on the basis of documents marked from Circle Officer. After his report the Circle Inspector verified it and forwarded to the Circle Officer for mutation or any other order as per report but in the instant case the work of mutation was finally done on 20.06.2007. PW-2 is Verifier, his deposition is quite contrary to the deposition of PW-5. It is alleged that he has submitted his verification report on

10.07.2007. Thereafter on the basis of his verification report a Trap Team was constituted in the guidance of PW-4. But the verification report has not been proved and has not been marked exhibit in the instant case. This fact speaks volume against the verification report as well as subsequent whole trap proceeding. Apart from this though the verification report was not marked exhibit on behalf of prosecution but from perusal of alleged verification report and deposition of this PW-5, it reveals that nowhere it has been mentioned or deposed about alleged verification of the complaint of PW-5. The similar is the situation of the deposition of PW-5. He has also not deposed that on which date the alleged verification was done. There is material contradiction on the deposition of PW-2 & PW-5. Perusal of evidence of PW-1, PW-3 & PW-4, it is quite evident that they are not the witness of demand deliver and acceptance. The evidence of these witnesses are quite contrary to each other as well as with the evidence of PW-2 & PW-5 also. PW-6, the I.O. of this case. He is not the witness of fact his deposition reveals that he is quite formal witness. The chain of custody of seized articles that is bribe amount, hand wash & seized documents have not been proved beyond reasonable doubt. There is absolutely nothing in the evidence of PW-1 to PW-6 that where the seized articles were kept in which condition. PW-7 is expert witness. The F.S.L report is a scientific report but without any scientific data. Hence, this report can not be taken into consideration. PW-8 is a clerk posted in District Legal Section, Munger Collectorate. He was appointed in the year 2022. Whereas the alleged order of sanction for prosecution is dated 05.09.2007 when he was not in a service. Thus the prosecution has not proved sanction order for prosecution in accordance with law. The defence has been debarred from the cross examination of sanctioning authority because sanctioning authority was not examined as a witness. Further from the perusal of order of sanction for prosecution reveals that it is a product of clearly non application of mind of sanctioning authority. It is a nonspeaking order. In the entire order of sanction for prosecution, there is nothing that for what offence was committed, on which date and at which place by the accused, for which the alleged order of sanction for prosecution was given. The Hon'ble Apex Court has ruled time without numbers that order of sanction for prosecution should reflect the application of mind of sanctioning authority. It should not be a mechanical order because it is not a mere formality. That so far recovery of alleged bribe amount was concerned it is submitted that it is only a paperwork. In fact, no such recovery has ever been done from the accused. This fact finds support from non examination of witnesses of recovery namely Ganga Mandal and Subodh Kumar Mandal who are the witness of only recovery. In absence of their evidence the alleged recovery is meaningless. It is a simply chit of paper which has not penitentiary value. The Ld. Counsel for the defence has submitted several citations such as *G.V. Nanjundiah Vs. State of Delhi Administration 1987 Supp Supreme Court cases 266 : 1988 Supreme Court cases (Cri)*

77 : 1987 SCC Online SC 665, Z.U. Ahmad @ Zafiruddin Ahmad Vs. The Union of India through Central Bureau of Investigation 2010 SCC Online Pat 2035 : (2010) 4 PLJR 115 L: (2011) 2 E Cr N 472 :(2011) 1 BBCJ 85, State of Karnataka Vs. Ameerjan Supreme Court cases (Criminal) (2008) 1 SCC (Cri), T.K. Ramesh Kumar Vs. State through police inspector, bangalore (2016) 3 Supreme Court Cases (Cri) 316 (2015) 15 Supreme Court cases 629 and State of Lokayuktha Police, Davanagere Vs. C B Nagaraj (2025) 5 S.C.R 1037 : 2025 INSC 736. Further, the Ld. Counsel for the defence has submitted family membership certificate which is issued from the Office of Circle Officer, Bariyarpur, Munger bearing No. 46 dated 24.06.2026 and based on the investigation report of the revenue officer/in-charge Circle Inspector, Bariyarpur and affidavit No. 2029/2024 dated 28.03.2024 of the Notary Officer, Munger, it is certified that the applicant Ganga Kumar, son of Suresh Maul is the family member of the Late Halkhori Mandal (copy attached). Therefore, in the aforesaid background the prosecution has miserably failed to prove the charges framed against the accused Ashok Paswan under the said sections, hence he deserves clean acquittal.

20. Perused the case record. After perusal of whole record and arguments both sides. First, I have to see that whether the initial element of demand has been established by the prosecution. From perusal of the evidence and materials produced by the prosecution, I find that it is the case of the prosecution that complainant has given an application to Circle Office, Kharagpur stating therein that there was Kewala in the name of his father and wife on 02.01.2007. Further, stated that 93 decimal of land was in the name of his father and 28 decimal of land was in the name of his wife and the Mauza of said land was Teliyadih. He applied for mutation. Accused Ashok Paswan demanded Rs. 1800/- for mutation, upon which he has Rs. 300/- at that time and rest amount of Rs. 1500/- will be paid later on. He had given three applications to Circle Officer, one of which was signed by his wife Koshalya Devi and the other two by his father Late Halkhori Mandal. The complainant was not willing to give the money, so he filed the complaint in the Vigilance. The complainant filed complaint before the Vigilance and the verifier Mukesh Kumar was entrusted with the task of making verification into the allegation of the complaint petition dated 28.06.2007 to till 12.07.2007. On 10.07.2007 the verifier went for verification and found the accused demanding bribe of Rs. 1500/- for mutation. Thereafter, the trap was laid and the accused was caught while accepting the bribe and the bribe amount of Rs. 1500/- was recovered from his possession. The prosecution has proved the complaint petition as Exhibit-P-1/PW-5, it clearly shows that the accused for mutation of the complainant had demanded Rs. 1800/- bribe in which Rs. 300/- given at the time of verification and rest Rs. 1500/- will be given later on. The complainant was

examined as PW-5, he has categorically stated in his evidence about the demand of Rs. 1500/- bribe made for mutation of his land. Further, PW-2, Mukesh Kumar (Verifier). This witness has deposed in his examination-in-chief that on 28.06.2007, he was posted at the Vigilance Bureau, Patna. Complainant Sitaram Mandal filed an application against accused Ashok Paswan. He was ordered to verify it. He accompanied the complainant to the office of accused Ashok Paswan in a room in Muralidhar Paswan's house in Lohchi Bazaar, which he verified. The accused demanded Rs. 1800/- to which the complainant immediately paid Rs. 300 and was asked to return with the remaining Rs. 1500/- on 12.07.2007. He then submitted his report on 10.07.2007. A search team was subsequently formed, with Chandrika Prasad, Sub-Inspector, as its in-charge. The team consisted of six members. The complainant deposited Rs. 1500/- with the Bureau, and legal proceedings were initiated. A pre-trap memorandum was then prepared, consisting of four pages, each signed by me and identified by me, as Exhibits P-1/PW-2 to P-1/3/PW-2. We then reached Lohchi Bazaar, where the landlord's son informed us that the accused had gone to the District Collectorate for a protest today. We then proceeded from Lohchi to the Collectorate in Munger. The complainant summoned the accused, and we reached a Paan shop, where the accused demanded a bribe. The accused offered the bribe, which the accused held in his left fist. Meanwhile, he scratched his hair and signaled to the other members of the investigation team. Afterward, everyone arrived, and a crowd gathered. Two independent witnesses appeared, and the pre-trap memorandum was read to them. The accused was searched. After that, the accused had his left and right hands washed respectively. The washcloths from both hands were sealed and pasted on a paper, which everyone signed. A post-trap memorandum was then prepared consisting of three pages, each of which bears my signature, which he recognize as Exhibit P-2/PW-2 to P-2/2/PW-2. We then went to the accused's office in Lohchi Bazar. The accused opened the door. The room was searched. During the search, three documents provided by Sitaram Mandal were found, two in the name of Sitaram Mandal and one in the name of father of Sitaram Mandal's wife. These documents were seized and a seizure list was prepared. The evidence of the complainant (PW-5) and the contents of Exhibit-P-1/PW-5 is well corroborated by the evidence of PW-2. The verifier also submitted the report on dated 10-07-2007. The evidence of PW-2 and verification report submitted by verifier also shows that on the day of trap, the accused asked about bribe money from the complainant and accepted the bribe of Rs. 1500/- and caught red handed by the trap team member. The defence has taken the plea that there was no motive for demand of the bribe, because the prosecution has failed to show that the accused demanded bribe and no any work has been pending before the accused.

I do not find merit in the defence, because the demand of Rs. 1500/- bribe for mutation of land of complainant is pending since 02.01.2007 before filing of the

complaint was proved by the clinching and unwavering evidence of the PW-5 (complainant) and Exhibit-P-1/PW-5. The evidence of PW-5 and verification report by the verifier sufficiently prove that on the day of verification, when the complainant and the verifier went Munger Collectorate near Paan Shop, the accused then he demand of Rs. 1500/- bribe and at the time of demand complainant has given Rs. 300/- to the accused. The evidence of PW-5 and report of verifier show that the rest amount of same demand of bribe was made by the accused on the day of trap, when the complainant and the accused went to meet the accused near Paan shop at Munger Collectorate. The fact of demand is also established by the fact of recovery of Rs. 1500/- rest amount from the possession of the accused. All the witnesses of the prosecution as well documentary evidence and recovery of G.C. note during the search of left hand of the accused as well as the sanction order and F.S.L report its proves that accused has committed the offence made U/s 7/13 (2) r/w 13 (1) (d) of P.C. Act, 1988.

So, I find that the demand was proved by the prosecution by producing sufficient evidence. The prosecution has successfully proved demand of bribe before filing of the complaint, at the time of verification and at the time of giving bribe. There are sufficient evidence to show that the accused demanded Rs. 1800/- bribe. The recovery of Rs. 1500/- rest bribe amount establishes the prosecution case that the accused had demanded bribe. So, I find that the prosecution has proved the demand of bribe by the accused.

21. The evidence of PW-1 , PW-2, PW-3 , PW-4, PW-6, PW-8 shows that they have categorically stated that the pre-trap meeting was held in which the complainant had produced Rs. 1500/- and the numbers of notes were noted down in the pre-trap memorandum and after applying phenophthelein powder upon them, they were given to the complainant for giving them to the accused as bribe. The taking and accepting the bribe and recovery thereof was successfully proved by the cogent evidences of PW-5 , who is the complainant of the case. The verification report submitted by verifier, who had accompanied the complainant at the time of the transaction of the bribe also proves the fact that the accused demanded and accepted the bribe from the complainant, which was recovered from the left hand of the accused. The evidence of PW-5 and verifier report are Exhibit P-1/PW-5 to Exhibit- P-2/PW-3 to PW-2/2 to PW-2 are sufficient to prove acceptance of bribe by the accused.

22. The evidence of PW-1 , PW-2, PW-3 , PW-4, PW-6 prove the fact of recovery of Rs. 1500/- from the left hand of the accused. They have also stated that both the hands of the accused were washed in solution then the solution had turned pink. The evidence of PW-7 , who is scientific expert proves the case of the prosecution that the recovered notes

were the bribe amount on which phenolphthalein powder was applied on the date of Pre-trap meeting. The witness has categorically stated that the Exhibits-A, B and C were examined in the F.S.L by the expert and presence of sodium carbonate and phenolphthalein powder were found in them. His evidence is corroborated by Exhibit- P-1/PW-7 to Ext.-P-1/7/PW-7 and Exhibit – M-I, M-II and M-III prove the facts that the same notes which were given by the complainant in pre-trap meeting were recovered from possession of the accused, So I find that the facts of demand and acceptance and recovery of the bribe amount of Rs. 1500/- from the accused has been successfully proved. The recovery of bribe money of Rs. 1500/- from the left hand of accused in presence of the witnesses and the members of the trap team, has been successfully proved by the prosecution.

23. The defence has taken the plea of false implication. But there is nothing on the record to establish the defence. The recovery of money from possession of the accused raises presumption U/s 20. Now, it was for the defence to rebut the presumption, But the defence has failed to make rebuttal by producing evidence. The defence has failed to explain that how the tainted money was recovered from his possession.

24. The prosecution has produced sufficient evidence to prove demand, acceptance and the recovery. The legal presumption under Section 20 of the Prevention of Corruption Act is raised on being proved acceptance of the bribe amount. So evidently acceptance of gratification leads to the inference that the gratification was accepted as a Motive or reward for doing or for bearing to do any official act.

Thus, considering the aforesaid facts and circumstances, I find that the prosecution has successfully proved the charges against the accused under Section 7/13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 as such accused is liable to be convicted.

So, I find that the prosecution has been successfully in substantiating and proving the charges levelled against the accused person beyond reasonable doubts. In the result, the accused person namely **Ashok Paswan** is found guilty for commission of offence **U/s 7/13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988** and accordingly convicted for the offence. The bail bond of the accused is cancelled and he is taken into custody. Put up the record for hearing on the point of quantum of sentence after lunch.

Dictated and corrected by me

Sd/-
(Deepak Kumar-I)
Special Judge Vigilance, Bhagalpur
30th June, 2026

Sd/-
(Deepak Kumar-I)
Special Judge Vigilance, Bhagalpur
30.06.2026

Later on,

30.06.2026

Hearing on the point of quantum of Sentence.

Convict present in dock.

Heard learned counsel on behalf of the convict **Ashok Paswan** and the learned Special P.P. Sri Ram Badan Rai Choudhary on behalf of the state on the point of sentence.

Learned counsel for the convict would submit that the convict has never been earlier convicted in any criminal case. The convict is aged about 60 years. The learned counsel for the defence would also submit that the accused has lost his job and having the family responsibility, so please take a lenient view while awarding the sentence.

On the other hand the learned Spl. P.P prays for awarding maximum punishment to the convict.

After hearing the respective parties and considering the facts and circumstances the convict **Ashok Paswan** is sentenced to undergo rigorous imprisonment for 2 years and also to pay fine of Rs 10,000/- (Rupees Ten Thousand) for the offence U/s 7 of the P.C. Act and in default in payment of fine, the convict shall further undergo two months simple imprisonment in addition to the substantive punishment. Further, convict is also sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs. 10,000/- (Rupees Ten Thousand) for the offence U/s 13 (2) r/w 13(1) (d) of the P.C Act 1988 and in default in payment of fine, the convict shall further undergo one month simple imprisonment in addition to the substantive punishment. Both sentences shall run concurrently. The period, if any, already undergone by the convict in judicial custody as under-trial prisoner shall be set off under the provision of 428 of the Cr.P.C from the sentence.

The office is accordingly directed to draw conviction warrant.

Dictated and corrected by me

Dictated and corrected by me

Sd/-

Sd/-

(Deeepak Kumar-I)

(Deeepak Kumar-I)

Special Judge Vigilance, Bhagalpur
30th June, 2026

Special Judge Vigilance, Bhagalpur
30.06.2026