

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 183 of 2025

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Ranjeet Kumar @ Ranjeet Singh, aged about 46 years, S/o Late Deobrat Singh, R/o Village Shivnagar, PO & PS- Karpi, District- Arwal, Bihar, At present R/o Chakradharpur, PO & PS- Chakradharpur, District- West Singhbhum **Appellant**

Versus

The State of Jharkhand through the Anti Corruption Bureau

..... **Respondent**

With

Cr. Appeal (SJ) No. 240 of 2025

....

Rampreet Salhaita, aged about 67 years, S/o Late Jailal Salhaita, Permanent Resident of Village- Nahari, PO & PS- Laukha, District- Madhubani, Bihar at present residing at Dipugarha, PO- Hazaribagh, PS- Korra, District- Hazaribagh, Jharkhand

..... **Appellant**

Versus

The State of Jharkhand through Superintendent of Police, Anti Corruption Bureau, West Singhbhum at Chaibasa, PO + PS- Chaibasa, District West- Singhbhum

..... **Respondent**

PRESENT

HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Sameer Saurav, Advocate
Mr. Vikash Kumar, Advocate

For the State : Mrs. Nehala Sharmin, Spl. P. P.
[Cr. Appeal (SJ) No. 183 of 2025]
Mr. Vineet Kr. Vashistha, Spl. P. P.
[Cr. Appeal (SJ) No. 240 of 2025]

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I.A. No. 2267 of 2025 in Cr. Appeal (SJ) No. 183 of 2025

I. A. No. 3920 of 2025 in Cr. Appeal (SJ) No. 240 of 2025

Reserved on 18.06.2025

Pronounced on 01/07/2025

Both the Criminal Appeals i.e. Cr. Appeal (SJ) No. 183 of 2025, which has been filed on behalf of the appellant – Ranjeet

Kumar @ Ranjeet Singh, (the Bill Clerk) and Cr. Appeal (SJ) No. 240 of 2025, which has been filed on behalf of the appellant – Rampreet Salhaita, (then Junior Engineer) are arising out of the common judgment of conviction dated 28.01.2025 and sentence dated 31.01.2025 passed by Sri Laxman Prasad, learned Special Judge-ACB, Chaibasa in Vigilance Case No. 06 of 2017 arising out of ACB Jamshedpur P. S. Case No. 06.2017 and as such, both the Interlocutory Applications are being heard and disposed of together.

2. Both Criminal Appeals i.e. Cr. Appeal (SJ) No. 183 of 2025 and Cr. Appeal (SJ) No. 240 of 2025 have been filed on behalf of the appellants challenging the impugned judgment of conviction dated 28.01.2025 and sentence dated 31.01.2025 passed by Sri Laxman Prasad, learned Special Judge- ACB, Chaibasa in Vigilance Case No. 06 of 20217 arising out of ACB Jamshedpur P. S. Case No. 06.2017 by which the appellants have been convicted for the offences under Section 7A of the Prevention of Corruption Act,1988 and Sections 13 (2) read with 13 (1) (d) of the Prevention of Corruption Act and sentenced to undergo R. I. for a period of three (3) years each and to pay the fine of Rs. 10,000/- each for the offence under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to undergo R. I. for a period of four (4) years each and to pay the fine of Rs. 10,000/- each for the offences under Sections 13 (2) read with 13 (1) (d) of the Prevention of Corruption Act

However, all the sentences have been directed to run concurrently.

3. The prosecution case, in brief, is that the appellants are alleged to have demanded Rs. 70,000/- from the Informant on

06.03.2017 for passing his bill and it was informed by the Informant to the officials of the ACB. The Informant is a registered Contractor in Drinking Water and Sanitation Division, Chaibasa West Singhbhum and in the financial year 2016-2017, he was allotted the work of Tubewell installation by the Drinking Water and Sanitation Division, Chaibasa, West Singhbhum, Jharkhand through Office Letter No. 308 dated 04.05.2016 of the Superintending Engineer, Drinking Water and Sanitation Zone, Chaibasa and of which he completed most of the work on time and also received the first installment of payment. Since that time, Junior Engineer Rampreet Salhaita and Bill Clerk Ranjeet Kumar working in Drinking Water and Sanitation Division, Chaibasa, West Singhbhum had deducted Rs. 70,000/- as bribe. The informant also informed the Senior Officer about the transaction by the Employee and the Engineer, but the Senior Officer verbally told the informant that the bribe would have to be given as money has to be sent to the top. The second installment of bill, for the work done by him in the past few days, was prepared with a delay intentionally and as payment of Rs. 2,30,665/- was deducted from his second bill by the above two persons with the intention of earning bribe and they have demanded one lakh rupees for preparing the bill again and for getting the order from the Senior Officer. The informant does not want to give bribe in lieu of the work done.

Therefore, a written complaint was filed on 04.03.2017 to Superintendent of Police, Anti-Corruption Bureau, Jamshedpur and accordingly, after completion of the procedure like pre trap memorandum, constitution of raiding party etc., The recovery was made from these appellants to the extent of Rs. 5,000/- and

Rs. 8,000/- respectively and then post trap memorandum was prepared.

4. I. A. (Cr.) No. 2267 of 2025 in Criminal Appeal (SJ) No. 183 of 2025 and I. A. No. 3920 of 2025 in Criminal Appeal (SJ) No. 240 of 2025 have been filed on behalf of the appellants namely Ranjeet Kumar @ Ranjeet Singh (i.e. the then Bill Clerk) and Rampreet Salhaita (i.e. the then Junior Engineer) respectively under Section 430 (1) of BNSS for the suspension of their sentence and for grant of bail, during the pendency of the Criminal Appeals.

5. Heard learned counsel for the appellants in Cr. Appeal (SJ) No. 183 of 2025 and Cr. Appeal (SJ) No. 240 of 2025 and learned Spl.P.P. for the State.

6. It is submitted by the learned counsel for the appellants that the impugned judgment of conviction and sentence passed by the learned Court below are illegal and not sustainable in law. It is submitted that the allegations against both the appellants are false and concocted. It is submitted that no one had seen the appellant- Ranjeet Kumar @ Ranjeet Singh (in Criminal Appeal (SJ) No. 183 of 2025) and the appellant - Rampreet Salhaita (in Criminal Appeal (SJ) No. 240 of 2025) for receiving illegal gratification of Rs. 5,000/- and Rs. 8,000/- respectively from the Informant. It is submitted that the learned Trial Court has failed to appreciate that there was hidden motive of the informant behind the prosecution to take revenge for the prosecution lodged against the Informant by the appellant- Rampreet Salhaita, and also the deduction of Rs. 2,30,665 from his 2nd bill due to non-fulfillment of terms and conditions of the agreement in question for time extension because the Informant

had failed to complete the project of installation of Tube-Wells within the time. It is submitted that there were two shadow witnesses but only one shadow witness i.e. P. W.-6, Amit Kumar was examined, who had not seen the amount in the hands of the appellants. It is submitted that P. W.-6, Amit Kumar had seen the amount in the hands of the Trap Party. It is further submitted that other shadow witness Jaivardhan had not been examined during the trial. It is submitted that P.W.-1, Amar Kumar Pandey i.e. the Informant had gone alone in the Office whereas other shadow witness- Jaivardhan was outside the Office.

It is submitted that the appellant - Rampreet Salhaita (in Criminal Appeal (SJ) No. 240 of 2025) had instituted one case against the Informant earlier for doing less work and his bill was deducted and for which one being Hatgamhariya P. S. Case No. 28 of 2016 for the offences under Section 409 and 420 of the Indian Penal Code was instituted on 19.10.2016 for defalcation of Rs. 9,13,458/- against the Informant and hence, the Informant has falsely implicated both the appellants.

7. It is submitted that although P. W.-3, Jitendra Dubey had proved the allegation against the appellants, but he is an interested witness and hence, his evidence is not reliable. It is submitted that it was managed 'Trap' by the Informant. It is submitted that the alleged demand has not been proved by the prosecution and no one had seen demanding the amount from the Informant by both the appellants.

It is submitted that P. W.-3, Jitendra Dubey stated that on 06.03.2017 he had heard that one of the accused- Rampreet Salhaita in Criminal Appeal (SJ) No. 240 of 2025 had demanded Rs. 8,000/- and other accused Ranjeet Kumar @ Ranjeet Singh

(in Criminal Appeal (SJ) No. 183 of 2025) was to be given Rs. 5,000/- on 07.03.2017 and thereafter arrears of bill will be prepared. Then, on the date of occurrence he alongwith members of raiding team arrived in the Campus of the Office and the Informant and shadow witnesses went to the office of the accused persons. Thereafter on signal of shadow witnesses, he alongwith members of raiding team Nagendra Kumar Mandal, Police Inspector entered into the office of the accused persons and he had apprehend the right hand of the appellant- Ranjeet Kumar @ Ranjeet Singh (in Criminal Appeal (SJ) No. 183 of 2025) and other members had apprehended the wrist of the appellant- Rampreet Salhaita in Criminal Appeal (SJ) No. 240 of 2025 and on search (four notes denomination of Rs. 2,000/- i.e. total Rs. 8,000/-) were recovered from the pocket of the accused- Rampreet Salhaita whereas (two notes denomination of Rs. 2,000/- and two notes denomination of Rs. 500/- i.e. total Rs. 5,000/-) were recovered from the right hand of the accused- Ranjeet Kumar @ Ranjeet Singh and thereafter seizure lists were prepared.

8. It is submitted that P. W.-6, Amit Kumar has stated that he had seen both the accused persons outside the office of the accused persons while ACB Officials were bringing them outside the office. Then the members of the raiding party alongwith him came to the office and stopped them in the office situated between Chaibasa and Jamshedpur and two officials of ACB had caught the hands of the accused persons and he was sitting in the same vehicle in which the accused persons and Dy.S.P. and driver were also sitting.

Thus, P.W.-6, Amit Kumar had not seen the occurrence.

9. It is submitted that the appellant- Ranjeet Kumar @ Ranjeet Singh (in Criminal Appeal (SJ) No. 183 of 2025) was arrested on 07.03.2017 and was sent to judicial custody on 08.03.2017 since then he remained in judicial custody for three (3) months thirteen (13) days and earlier he had been granted bail vide order dated 13.06.2017 passed in B. A. No. 3144 of 2017 by the High Court and after conviction, he is in custody since 28.01.2025 i.e. total for around eight (8) months.

10. It is further submitted that the appellant - Rampreet Salhaita (in Criminal Appeal (SJ) No. 240 of 2025) was remanded in this case by ACB on 07.03.2017 and was granted bail on 10.07.2017 by the High Court of Jharkhand in B. A. No. 4257 of 2017 and after conviction, he is in custody since 28.01.2025 i.e. total for around eight (8) months.

It is submitted that the appellant - Rampreet Salhaita in Criminal Appeal (SJ) No. 240 of 2025 is a retired Junior Engineer and the appellant- Ranjeet Kumar @ Ranjeet Singh was then Bill Clerk (in Criminal Appeal (SJ) No. 183 of 2025) and hence, the appellant- Ranjeet Kumar @ Ranjeet Singh in Criminal Appeal (SJ) No. 183 of 2025 and the appellant - Rampreet Salhaita in Criminal Appeal (SJ) No. 240 of 2025 may be enlarged on bail.

11. On the other hand, learned counsel for the State has opposed the prayer for bail and has submitted that there is direct allegation of recovery of Rs. 8,000/- from the pocket of the appellant - Rampreet Salhaita in Criminal Appeal (SJ) No. 240 of 2025 and recovery of Rs. 5,000/- from the hand of the appellant- Ranjeet Kumar @ Ranjeet Singh in Criminal Appeal (SJ) No. 183 of 2025 and they were caught red handed with the tainted money in question. It is submitted that P. W.- 1, Amar Kumar Pandey is

the Executive Magistrate and who has fully supported the prosecution case. It is submitted that the P. W.-3, Jitendra Dubey is the Verifier, who has also fully supported the corroboration of demand of Rs. 5,000/- and Rs. 8,000/- respectively by the appellants and he had heard the demand of money by both the appellants. Thereafter two shadow witnesses i.e. one is P. W.-6, Amit Kumar and one other shadow witness- Jaivardhan (not examined) were included in the part of the Raiding Team of ACB. It is submitted that on giving signal by the shadow witness- Jaivardhan, the Raiding Party had entered into inside the office of the appellants and both the appellants were caught red handed with Rs. 5,000/- and Rs. 8,000/- respectively. It is further submitted that P. W. -4, Kishore Tamsoy, P. W.-5, Nagendra Kumar Mandal and P.W.-7, Sunil Kumar Choudhary have also fully supported the prosecution case. It is submitted that tainted notes were verified by Sodium Bicarbonate Solution and after the hands were dipped into water, it became pink colour. It is submitted that P. W.-7, Sunil Kumar Choudhary is the I. O. of the case and he had found the case true and had submitted charge sheet against the appellants and has fully supported and corroborated the prosecution case. It is submitted that the demand made by the appellants, has been well proved by the State and there is presumption under Section 114 of the Indian Evidence Act for committing certain acts and thus, there is no illegality in the judgment of conviction and sentence passed by the learned Court below and hence, the prayer for bail of the appellants may be rejected.

12. Perused the Lower Court Records and has considered the submissions of both the sides.

13. It transpires that Informant i.e. P.W.-2, Pankaj Kumar Jha had submitted the application for instituting the FIR before the Anti-Corruption Bureau on 06.03.2017. Thereafter one trap team was organized and pre-trap memorandum as Ext.- 5, Ext.-5/1 and Ext.-5/2 respectively were prepared on 06.03.2017.

14. It transpires from the Lower Court Records that after trap, post trap memorandum was prepared on 07.03.2017 in which apart from the members of ACB, there were two shadow witnesses i.e. P.W.-6, Amit Kumar and one Jaivardhan.

15. It transpires that the appellants were caught and Rs. 8,000/- was recovered from the pocket of phoolpant of the appellant - Rampreet Salhaita [in Criminal Appeal (SJ) No. 240 of 2025] and Rs. 5,000/- was recovered from the right hand of the appellant- Ranjeet Kumar @ Ranjeet Singh [in Criminal Appeal (SJ) No. 183 of 2025].

16. It transpires that the prosecution got examined seven (7) witness in support of its case, who are as follows:-

- (i) P.W.-1, Amar Kumar Pandey,
- (ii) P.W.-2, Pankaj Kumar Jha (i.e. the Informant),
- (iii) P.W.-3, Jitendra Dubey (i.e. Verifier),
- (iv) P. W. -4, Kishore Tamsoy,
- (v) P. W.-5, Nagendra Kumar Mandal,
- (vi) P.W.-6, Amit Kumar (i.e. shadow witness) and
- (vii) P. W.-7, Sunil Kumar Choudhary (i.e. the I. O.).

17. The prosecution has got exhibited thirty eight (38) documents as the Exhibits and which were marked as Ext. -1 to Ext.-6/8 respectively and also marked as Ext. -P-6/9 to P-6/13 respectively and Ext.-P-7 to Ext.-P-16 respectively and also Mark 'X' and which have been mentioned in page- 4, 5, 6 and 7 of the

impugned judgment of the learned Trial Court.

18. Apart from this, the prosecution also proved Material Ext.-1 (with objection) to Material Ext.- 6 to 6/1 (with objection) respectively. .

19. It transpires that the Defence got examined one (1) witness as follows:-

(i) D.W.-1, Dinesh Rajak, Accounts Officer, DW and S.Div. Chaibasa/Panch witness.

20. The defence got exhibited ten (10) Exhibits documents and which have been mentioned at page- 6 of the impugned Judgment of the learned Trial Court and which have been marked as Ext.-A to Ext.-J respectively.

21. It would appear from the pleadings of Rampreet Salhaita that he had instituted one FIR against the Informant bearing Hatgamharia P. S. Case No. 28 of 2016 on 19.10.2016 for defalcation of Rs. 9,13,458/- for the offences under Section 409 and 420 of the Indian Penal Code against the Informant- Pankaj Kumar Jha and the Informant has also admitted during his evidence that 10 % of the amount i.e. Rs. 2,30,665/- was deducted from his bill, which is in accordance with rules and for which he had also given an application on 27.02.2017 to the Executive Engineer for not deducting the said amount. It has also been pleaded on behalf of the appellant- Rampreet Salhaita that for defalcation of public money one another FIR being Tonto P. S. Case No. 15 of 2017 has been instituted against the Informant by Drinking and Sanitation Department. However, he also stated that Executive Engineer is empowered to pass the bill of the Contractor. However, the accused persons had power to waive the penalty of 10 % of Rs. 2,30,665/- from the bill of the Contractor.

22. It reveals from the evidence of P.W.-1, Amar Kumar Pandey, then Dy.S.P. ACB that he along with Kishor Tamsoy, P.W.-4 i.e. the Police Inspector had caught the hands of the appellant- Rampreet Salhaita, [then Junior Engineer in Criminal Appeal (SJ) No. 240 of 2025] whereas Jitendra Dubey, Sub-Inspector and one Sunil Kumar Choudhary caught hands of the another person Ranjeet Kumar @ Ranjeet Singh, [then Bill Clerk, in Criminal Appeal (SJ) No. 183 of 2025].

23. P.W.-3, Jitendra Dubey was posted as Police Inspector in ACB, Jamshedpur and who is said to have verified the allegation of the complainant on 06.03.2017 and heard the demand of Rs. 8,000/- and Rs. 5,000/- respectively from Rampreet Salhaita and Ranjeet Kumar @ Ranjeet Singh and proved his report as Ext.-2/2. Thereafter, he got prepared Pre-Trap Memorandum. The Informant was given six numbers of denominations of Rs. 2,000/- and two notes of denominations of Rs. 500/- i.e. total Rs. 13,000/- and upon which Phenolphthalein Powder was pasted and thereafter pre trap memorandum was prepared.

Thereafter on the signal of one shadow witness, he along alongwith the Police Inspector- Nagendra Kumar Mandal entered into the office of the accused persons and caught right hand of the accused Ranjeet Kumar @ Ranjeet Singh and other members have caught wrist of the another accused –Rampreet Salhaita, then Rs. 8,000/-, which were four notes of denomination of Rs. 2,000/- was recovered from the pocket of phoolpant of the appellant - Rampreet Salhaita in Criminal Appeal (SJ) No. 240 of 2025 whereas Rs. 5,000/- which were two notes of denomination of Rs. 2,000/- two notes of denomination of Rs. 500/-, was recovered from the right hand of the appellant- Ranjeet Kumar

@ Ranjeet Singh in Criminal Appeal (SJ) No. 183 of 2025 and seizure lists were prepared in the presence of the Independent Witnesses. Then fingers of both hands of the accused Rampreet Salhaita were dipped into the solution of Sodium Bicarbonate, then the solution became pink and also taken the samples of phoolfant of the accused and which were sealed in three different small bottles. Thereafter fingers of both hands of the accused Ranjeet Kumar @ Ranjeet Singh were dipped in the solution of Sodium Bicarbonate, then the solution became pink and which were sealed in two different small bottles. Thereafter he prepared post trap memorandum.

During cross-examination, he stated that he learnt from the Informant that the Informant wanted to obtain arrears of Rs. 2,30,665/-, but he had not examined any paper on this aspect and even the Informant had not produced any bill with regard to arrears of money. He further stated that allotment work of the appellant was produced by the Executive Engineer, but it can only be informed by the Investigating Officer. He admitted that the Informant was also in the DC Office on 06.03.2017 at around 11.45 A.M. However, he also stated that during course of verification, the demand of bribe was made by the appellant-Rampreet Salhaita and not by Ranjeet Kumar @ Ranjeet Singh. He stated that the appellant- Ranjeet Kumar @ Ranjeet Singh had not demanded any money from the Informant during his presence while he was verifying.

Thus, it would appear that the informant had not disclosed before him regarding institution of case by the appellant Rampreet Salhaita.

24. P.W.-4 is Kishore Tamsoy, who stated that he along

with Amar Kumar Pandey, Dy.S.P. had caught wrist of the right and left hand of the appellant –Rampreet Salhaita whereas the Jitendra Dubey, the Police Inspector and Nagendra Kumar Mandal, the Sub-Inspector caught hold the right and left hand of the appellant- Ranjeet Kumar @ Ranjeet Singh. He also stated that the Informant- Pankaj Kumar Jha and shadow witness- Jaivardhan had entered into the office of the accused persons and on signal of shadow witness- Jaivardhan, he alongwith Anand Kumar Pandey caught hold the hands of Rampreet Salhaita and during search four notes of denominations of Rs. 2,000/- i.e. total Rs. 8,000/- were seized from the phoolpant pocket of the accused- Rampreet Salhaita in presence of two independent witnesses and similarly during search of the accused- Ranjeet Kumar @ Ranjeet Singh, two notes of denominations of Rs. 2,000/- and two notes of denominations of Rs. 500/-i.e. total Rs. 5,000/- were seized from the right hand of the accused- Ranjeet Kumar @ Ranjeet Singh in presence of two independent witnesses.

During cross-examination on behalf of the Ranjeet Singh, who denied not recovered any bribe amount from the hands of Ranjeet Kumar @ Ranjeet Singh, rather the same were kept upon the table below the files of Ranjeet Singh and which was seized by the Raiding Team.

In para-9, he admitted to have not seen the process of giving bribe amount to the accused-Ranjeet Singh and Ranjeet Singh was found standing by the members of ACB and the accused-Ranjeet Singh was trying to throw the amount from his fists, but he could not succeed, although he had not seen as to how the said amount received from Ranjeet Singh, but the

shadow witness informed him that the Informant had given the said amount.

During cross-examination made on behalf of the accused- Rampreet Salhaita, he showed ignorance as to whether the accused- Rampreet Salhaita had instituted Criminal Case upon the Informant for defalcation of Government amount and negligence in Government Work and in which the Informant is on bail. He admitted that the Executive Engineer –Anil Kumar was present at the time of occurrence, but his statement was not recorded.

Thus, it would appear that the informant had not disclosed before him regarding institution of case by the appellant Rampreet Salhaita.

25. P.W.-5 is Nagendra Kumar Mandal, the Police Inspector, who also stated that on the basis of verification made by Jitendra Dubey, a pre trap memorandum was prepared. Thereafter he alongwith members of Raiding Party and two independent witnesses arrived in the office of the accused persons and on signal of shadow witness- Jaivardhan, Dy.S.P.- Anand Kumar Pandey and Sub-Inspector- Kishore Tamsoy caught the appellant-Ranjeet Kumar @ Ranjeet Singh and he and Inspector –Jitendra Dubey caught the accused- Rampreet Salhaita and in presence of witnesses, four notes of denominations of Rs. 2,000/- i.e. total Rs. 8,000/- were seized from the phoolpant pocket of the accused- Rampreet Salhaita and which were verified by pre trap memorandum and found correct. Even two notes of denominations of Rs. 2,000/- and two notes of denominations of Rs. 500/- i.e. total Rs. 5,000/- were seized from the right hand of the accused- Ranjeet Kumar @ Ranjeet Singh in presence of two

independent witnesses.

During cross-examination made on behalf of the appellant- Rampreet Salhaita, he showed ignorance about Rs. 2,30,665/- of the Informant. He also stated that post trap memorandum was prepared at the place of occurrence, but due to non-availability of Printer, the print could not be obtained. He had also not taken the certificate from the Competent Authority as per Section 65-B of the Indian Evidence Act on the prepared Memorandum (Post Trap Memorandum). He had shown ignorance that a Criminal Case is pending against the Informant for showing irregularity and defalcating the amount of the Department in the Court. He could not remember the names of the independent witnesses of this case.

Thus, it appears that the informant had not stated before him regarding institution of prior case against himself by the appellant –Rampreet Salhaita before managing the Trap .

26. P. W.-6 is Amit Kumar has stated that he was posted in Building Construction Department, Building Division, Jamshedpur as Bill Clerk on 06.03.2017 and he was made witness in the pre trap memorandum in the presence of the Informant- Pankaj Kumar Jha and Officers of the ACB and one another witness. Thereafter on the date of occurrence, he alongwith the Informant and members of the Raiding Party and one another witness arrived in the Office of Drinking Water and Sanitation Department, Chaibasa and had seen that the accused- Rampreet Salhaita and Ranjeet Kumar @ Ranjeet Singh were caught red handed by taking bribe. Then the accused persons were arrested and he also put signature on the arrest memo. Then he went from the office of Drinking Water and Sanitation

Division and some documents were prepared as production-cum-seizure list in which he put his signature and then he went to the house of Ranjeet Kumar @ Ranjeet Singh and seized some papers. Thereafter they went to the house of Rampreet Salhaita and from his house no objectionable material was seized.

During cross-examination, he stated that no money was demanded in his presence. He had seen that officials of the ACB were bringing both the accused outside the office. Thereafter, he along with members of the raiding party and the accused persons arrived in the office between the Chaibasa and Jamshedpur. He admitted to have not seen that as to what was done with the accused persons by the ACB Officials while they were being taken to the Car.

26. P.W.-7 is Sunil Kumar Choudhary and who is I.O. of this case. He proved his signature on the chart of the members of the Raiding Part and his name figured at Serial No. 4. He also deputed two independent witnesses from the Deputy Commissioner and then Amit Kumar, Bill Clerk, Building Division, Jamshedpur and Jaivardhan, Bill Clerk, Building Division, Jamshedpur were deputed on 06.03.2017. He also admitted his signature in Pre Trap Memorandum. Thereafter on 07.03.2017 i.e. the next day, he went to the place of occurrence and shadow witness-Jaivardhan Prasad and the Informant had gone to the Official Chamber of Bill Clerk, Ranjeet Kumar @ Ranjeet Singh and Junior Engineer, Rampreet Salhaita was sitting in front of his table. On the basis of signal given by the shadow witness, the members of Raiding Party entered into the office of Ranjeet Kumar @ Ranjeet Singh and Dy.S.P.- Amar Kumar Pandey and Police Inspector, Kishore Tamsoy caught hands of

the appellant Rampreet Salhaita whereas the Police Inspector- Jitendra Dubey and Sub-Inspector- Nagendra Kumar Mandal caught the accused –Ranjeet Kumar @ Ranjeet Singh and in presence of two independent witnesses, both the accused persons were searched and upon search, Rs. 8,000/- were seized from the phoolpant pocket of the accused- Rampreet Salhaita and Rs. 5,000/- were seized from the right hand of the accused- Ranjeet Kumar @ Ranjeet Singh and which were verified from the pre trap memorandum. Then the accused persons were arrested by him and by preparing arrest memo. Thereafter production- cum-seizure list was prepared in presence of two independent witnesses by seizing the files of Tender No. DDM/Chaibasa 02 of 2016-17-cum-agreement/ measurement book and certified copy of the file were seized by the production- cum-seizure list. Although he had prepared the post trap memorandum at the place of occurrence in the Laptop, but due to non-availability of Printer, he alongwith the entire Exhibits and the accused persons had arrived at the office of ACB, Jamshedpur and had three pages of post trap memorandum were printed out from the Laptop, which had been marked as Ext.-P-14, P-15, P-16 and P-17 respectively.

Then he had seized some LIC Policy Papers and Bank Passbook from the accused Ranjeet Kumar @ Ranjeet Singh. However, no documents were seized from the house of Rampreet Salhaita. He submitted charge sheet against both the accused persons for the offences under Sections 7/ 13 (2) read with 13 (1) (d) of the Prevention of Corruption Act, 1988 and further investigation remained pending. However after transfer he handed over the case for further investigation to P.W.-4, Kishore

Tamsoy. He further proved his signature on relevant paper of tender, which has been marked as Ext.-MO-1 and has been described in page-7 of the impugned Judgment.

During cross-examination, he stated that Agreement of allotment work of the Informant was not produced before the Court, though he had seized the measurement book, but the same was not produced by him. He has not mentioned in the case diary that as to what amount was paid to the Informant as per the measurement book and as to what amount was deducted for which reason. He had also not perused the provisions for deduction of amount from the Agreement during his investigation and not investigated as to what work was completed by the Informant within time. He also admitted to have not investigated the charge of deducting of amount of Rs. 2,30,665/- from the bill of the Informant and also not read provisions of deduction nor he investigated on the point of time extension by the Informant in the Department. He had also not investigated on the point of installation of CCTV in the office of the accused persons.

27. D.W.-1 is Dinesh Rajak, Defence Witness, who had been posted as Divisional Accounts Officer in Drinking Water and Sanitation Division, Chaibasa. He proved the Ext.-A, which is the Office Order No. 18 dated 29.06.2011 issued by Sri Prabhudayal Mandal, Executive Engineer, Drinking Water and Sanitation Division, Chaibasa. He further proved the certificate issued by Superintending Engineer marked as Ext.-B. He also proved the Memo No. 2184 dated 13.07.2017, which was printed by Typist of the Office the Executive Engineer and Sri Sunil Kumar, Executive Engineer had put his signature, which is marked as Ext.-C. He is aware of the PWD Code as being

Divisional Account Officer and on the basis of this Code, all Contractors are being paid by the Department. As per the PWD Code, there is provision for deducting payable amount from the Contractor to the extent of 10 % for not executing the work within time period. The deduction of 10 % can be waived only on the extension of time on the application of the Contractor and for which the Contractor has to file an application for extension of time before the Executive Engineer and the Executive Engineer has to send application with recommendation to the Superintending Engineer and, who, in turn, forward the same with his recommendation to the Chief Engineer and only the Chief Engineer can pass the order for waiving the deduction of the amount and for extension of time and in the entire process there is no role of Bill Clerk.

28. He further proved the application dated 03.03.2017 given by the Contractor Pankaj Kumar Jha before the Executive Engineer for extension of time and for waiving the amount of deduction and which were issued in the signature of the Executive Engineer and which has been marked as Ext.-D. He further proved the letter dated 06.03.2017 issued under the signature of Executive Engineer, Sri Prabhu Dayal Mandal, marked as Ext.-E. He further proved the application dated 11.04.2017 filed by the Informant- Pankaj Kumar Jha, Contractor in prescribed format before the Executive Engineer for extension of time and for waiving the deduction and which was issued under the signature of the Executive Engineer marked as Ext.-F. He further proved the letter issued by the Regional Chief Engineer, Sri Sadanand Mandal as Ext.-G.

29. He further proved the Agreement in respect of firm

Narmada Construction of the Informant- Pankaj Kumar Jha as Ext.- H and Clause-3 of the said agreement, prescribed that 10 % amount will be deducted, if the work is not completed within time and the date of agreement was recorded as 03.08.2016. He also stated that as per the agreement, the Informant has installed 92 Tube wells instead of 110 Tube wells as per the Work Order dated 11.02.2017. He also stated that there is no role of Bill Clerk, if amount of 10 % is deducted from the bill of the Contractor.

30. It also appears that the Informant-Pankaj Kumar Jha has concealed the fact of institution of Hatgamharia P. S. Case No. 28 of 2016 under Sections 409 and 420 of the Indian Penal Code against him, which was lodged by the appellant Rampreet Salhaita [Cr. Appeal (SJ) No. 240 of 2025].

31. It also appears that even shadow witness P.W.-6, Amit Kumar had not seen the Informant for giving any amount in the hands of the appellants whereas other shadow witness has not been examined by the prosecution, who was said to be outside the office of the appellant.

32. It is submitted that P.W.-3, Jitendra Dubey had merely stated that he had verified the information on 06.03.2017 and had heard that the appellant- Rampreet Salhaita had demanded the bribe.

33. P.W.-4, Kishore Tamsoy has admitted during his cross-examination that he had not seen the appellant taking bribe from the Informant, although he was inside the Chamber of the appellant- Ranjeet Kumar @ Ranjeet Singh and he had seen that the appellant- Ranjeet Kumar @ Ranjeet Singh in standing position and no bribe was demanded by the accused- Ranjeet Singh during his presence.

34. It also reveals that P.W.-2, Pankaj Kumar Jha has admitted during his cross-examination that Rs. 2,30,665/- was recovered from his bill on 25.02.2017 due to extension of time in his measurement book. He also admitted that there is some overwriting in the date of below his signature i.e. Complaint Petition filed by him.

35. P.W.-2, Pankaj Kumar Jha i.e the Informant has admitted that the appellant Rampreet Salhaita [Cr. Appeal (SJ) No. 240 of 2025] had lodged a case being Hatgamharia P. S. Case No. 28 of 2016 under Sections 409 and 420 of the Indian Penal Code against him. He also admitted that institution of Tonto P. S. Case No. 15 of 2017 for the offences under Sections 409 and 420 of the Indian Penal Code instituted by the Drinking and Sanitation Department.

36. From the evidences of P.W.-3, Jitendra Dubey, it would appear that he ha not verified the demand of Rs. 5,000/- made by the appellant-Ranjeet Kumar @ Ranjeet Singh.

37. P.W.-4, Kishore Tamsoy admitted that bribe amount were kept upon the table below file of Ranjeet Kumar @ Ranjeet Singh.

38. It further reveals that there is contradiction on the point of recovery of money in the evidences of P.W.-4, Kishore Tamsoy and P.W.-5, Nagendra Kumar Mandal as P.W.-4, Kishore Tamsoy has stated that bribe amount was kept below the files of the appellant- Ranjeet Kumar @ Ranjeet Singh whereas the P.W.-5, Nagendra Kumar Mandal has stated that Rs. 5,000/- were seized from the right hand of the appellant- Ranjeet Kumar @ Ranjeet Singh.

39. It also reveals from the evidence of P.W.-7, Sunit

Kumar Choudhary i.e. the I. O. of the case and he is also the member of the Raiding Team. Thereafter he has been made the Investigating Officer of this case.

40. It would appear from the evidence of D.W.-1- Dinesh Rajak that there is provision in the PWD Code for deduction of the amount to the extent of 10 % from the Bill of the Contractor, if any Contractor does not execute the said work within the said time period and even the Informant had filed the application before the Executive Engineer on 03.03.2017 for extension of time for computing the work in question.

41. The Hon'ble Supreme Court in the case of ***Bhagwan Singh vs. The State of Rajasthan*** reported in ***(1976) 1 SCC 15*** has held that the complainant cannot be the Investigating Officer himself.

42. It has been held by Hon'ble Supreme Court in the case of ***Bhagwan Singh vs. The State of Rajasthan*** reported in ***(1976) 1 SCC 15*** at para-5 and 6 as follows:-

“Para-5:- Now, ordinarily this Court does not interfere with concurrent findings of fact reached by the trial court and the High Court on an appreciation of the evidence. But this is one of those rare and exceptional cases where we find that several important circumstances have not been taken into account by the trial court and the High Court and that has resulted in serious miscarriage of justice calling for interference from this Court. We may first refer to a rather disturbing feature of this case. It is indeed such an unusual feature that it is quite surprising that it should have escaped the notice of the trial court and the High Court. Head Constable Ram Singh was the person to whom the offer of bribe was alleged to have been made by the appellant and he was the informant or complainant who lodged the first information report for taking action against the appellant. It is difficult to understand how in these circumstances Head Constable Ram Singh could undertake investigation of the case. How could the complainant himself be the investigator? In fact, Head Constable Ram Singh, being an officer

below the rank of Deputy Superintendent of Police, was not authorised to investigate the case but we do not attach any importance to that fact, as that may not affect the validity of the conviction. The infirmity which we are pointing out is not an infirmity arising from investigation by an officer not authorised to do so, but an infirmity arising from investigation by a Head Constable who was himself the person to whom the bribe was alleged to have been offered and who lodged the first information report as informant or complainant. This is an infirmity which is bound to reflect on the credibility of the prosecution case.

Para-6:- *Then again, it may be noted that the entire case of the prosecution rests solely on the testimony of Head Constable Ram Singh and four other police constables. There is not a single independent witness to depose to the offer of bribe by the appellant. The bundle of currency notes of Rs 510 was, according to the prosecution, seized by Head Constable Ram Singh under a seizure memo Ex. P-1 but the only persons who signed as panch witnesses to this seizure were Head Constable Ram Singh and his subordinate police constables. Head Constable Ram Singh did not make any effort to get independent respectable witnesses in whose presence the seizure could be made. The time when the seizure was made was, according to the prosecution, a little after 5 a.m. in the morning. Head Constable Ram Singh could have easily sent one of the four police constables accompanying him to a nearby village in order to get some independent respectable witnesses. If, for any reason that was not possible, he could have taken the appellant and Ram Raj together with the cart to the police station and there, made a seizure memo in the presence of independent respectable panch witnesses. In fact, according to the statement made by the appellant in his examination under Section 342 of the Code of Criminal Procedure, Ramji Lal, Om Prakash and two other persons of Village Bilothi were present when the incident took place and any two of them could have been asked to witness the seizure memo. The prosecution case, of course, was that none of these four persons happened to be there at the time of the incident, but at least, so far as two persons by the name of Lallu Ram and Kamal Singh are concerned, there is no doubt that they arrived on the scene and witnessed the incident. The judgment of the Court of the Sub-Divisional Magistrate, Bharatpur, acquitting the appellant of the offence under Section 7 read with Section 3 of the Essential Commodities Act, 1955 in connection with transport of the aforesaid six bags of gram, shows that in that case, the prosecution examined Lallu Ram and*

Kamal Singh as witnesses who were present at the time of the arrest of the appellant. Then, it is inexplicable as to why seizure memo was not prepared in the presence of Lallu Ram and Kamal Singh and their signatures were not obtained on the seizure memo. They were important respectable witnesses wholly unconnected with the appellant and if the bundle of currency notes of Rs 510 was seized in the manner alleged by the prosecution, they could have furnished the most credible piece of evidence. Moreover, it may be noticed that the seizure memo in connection with the bundle of currency notes of Rs 510 does not state the circumstances in which it came to be seized. There is no reference to the conversation which is supposed to have taken place between the appellant and Head Constable Ram Singh in connection with the offer of bribe. The whole episode seems to be shrouded in secrecy and there is nothing but the evidence of police constables to support it. How can such an episode be believed? Can it be said to be free from reasonable doubt?"

43. The Hon'ble Supreme Court has further held in the case of ***Megha Singh vs. State of Haryana*** reported in **(1996) 11 SCC 709 15** that the officer who had arrested the accused should not have proceeded with the investigation of this case. The above judgment has been followed in the case of ***State By Inspector of Police, Narcotic Intelligence Bureau, Madurai, Tamil Nadu vs. Rajangam*** reported in **(2010) 15 SCC 369**.

44. It has been held by Hon'ble Supreme Court in the case of ***Megha Singh vs. State of Haryana*** reported in **(1996) 11 SCC 709** at para-4 as follows:-

"Para-4:- After considering the facts and circumstances of the case, it appears to us that there is discrepancy in the depositions of PWs 2 and 3 and in the absence of any independent corroboration such discrepancy does not inspire confidence about the reliability of the prosecution case. We have also noted another disturbing feature in this case. PW 3, Siri Chand, Head Constable arrested the accused and on search being conducted by him a pistol and the cartridges were recovered from the accused. It was on his complaint a formal first information report was lodged and the case was initiated. He being

complainant should not have proceeded with the investigation of the case. But it appears to us that he was not only the complainant in the case but he carried on with the investigation and examined witnesses under Section 161 CrPC. Such practice, to say the least, should not be resorted to so that there may not be any occasion to suspect fair and impartial investigation.”

45. It has been held by Hon’ble Supreme Court in the case of ***State By Inspector of Police, Narcotic Intelligence Bureau, Madurai, Tamil Nadu vs. Rajangam*** reported in ***(2010) 15 SCC 369*** at para nos.8, 9 and 10 as follows:-

“Para-8:- The short question which falls for consideration of this Court is: whether PW 6 who registered the crime could have investigated the case or an independent officer ought to have investigated the case?

Para-9:- The learned counsel appearing for the accused submitted that the controversy involved in this case is no longer *res integra*. In *Megha Singh v. State of Haryana* [(1996) 11 SCC 709 : 1997 SCC (Cri) 267] , this Court has taken a categorical view that the officer who arrested the accused should not have proceeded with the investigation of the case. The relevant paragraph reads as under: (SCC p. 711, para 4)

“4. ... We have also noted another disturbing feature in this case. PW 3, Siri Chand, Head Constable arrested the accused and on search being conducted by him a pistol and the cartridges were recovered from the accused. It was on his complaint a formal first information report was lodged and the case was initiated. He being complainant should not have proceeded with the investigation of the case. But it appears to us that he was not only the complainant in the case but he carried on with the investigation and examined witnesses under Section 161 CrPC. Such practice, to say the least, should not be resorted to so that there may not be any occasion to suspect fair and impartial investigation.”

Para-10:- The ratio of *Megha* case [(1996) 11 SCC 709 : 1997 SCC (Cri) 267] has been followed by other cases. In another case in *Balasundaran v. State* [(1999) 113

ELT 785 (Mad)] , in para 16, the Madras High Court took the same view. The relevant portion reads as under: (ELT p. 790, para 16)

“16. Learned counsel for the appellants also stated that PW 5 being the Inspector of Police who was present at the time of search and he was the investigating officer and as such it is fatal to the case of the prosecution. PW 5, according to the prosecution, was present with PWs 3 and 4 at the time of search. In fact, PW 5 alone took up investigation in the case and he had examined the witnesses. No doubt the successor to PW 5 alone had filed the charge-sheet. But there is no material to show that he had examined any other witness. It therefore follows that PW 5 was the person who really investigated the case. PW 5 was the person who had searched the appellants in question and he being the investigation officer, certainly it is not proper and correct. The investigation ought to have been done by any other investigating agency. On this score also, the investigation is bound to suffer and as such the entire proceedings will be vitiated.”

46. It is evident that P.W.-7, Sunil Kumar Choudhary was also the member of the Raiding Party and he had arrested the appellant Ranjeet Kumar @ Ranjeet Singh [Cr. Appeal (SJ) No. 183 of 2025] and the appellant Rampreet Salhaita [Cr. Appeal (SJ) No. 240 of 2025] and he was made Investigating Officer of this case.

47. In view of the discussion made above and on the facts and in the circumstances of the case and also considering the custody of the appellants, who were remained in jail for around eight (8) months and hence during pendency of these appeals, the appellant Ranjeet Kumar @ Ranjeet Singh [Cr. Appeal (SJ) No. 183 of 2025] and the appellant Rampreet

Salhaita [Cr. Appeal (SJ) No. 240 of 2025] are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of Sri Laxman Prasad, learned Special Judge-ACB, Chaibasa/ or his Successor Court in Vigilance Case No. 06 of 2017 arising out of ACB Jamshedpur P. S. Case No. 06.2017 subject to condition that one of the bailors must be own relative of the appellants.

48. Thus, I.A. No. 2267 of 2025 in Cr. Appeal (SJ) No. 183 of 2025 and I. A. No. 3920 of 2025 in Cr. Appeal (SJ) No. 240 of 2025 are allowed and stand disposed of.

(Sanjay Prasad, J.)

Kamlesh/