

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 2584 of 2025

Pramoda Kumar Behera, S/o Gadadhar Behera, R/o Village Chandanpur,
 PO Choudakulat, PS Chandanpur, District Kendrapara(Odisha), at present
 working as General Manager at Heavy Engineering Corporation (HEC),
 residing at Quarter No. F21, Sector-3, Dhurwa, P.O.-Dhurwa, P.S.
 Jagarnathpur, Ranchi, Jharkhand Petitioner

Versus

1. The State of Jharkhand
2. Neeraj Kumar Sah
3. Umesh Kumar Opposite Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner	: Mr. A. K. Kashyap, Sr. Advocate
For the State	: Mr. Manoj Kr. Mishra, APP
For the Informant	: Mr. Pratik Sen, Advocate
For the O.P. 2 & 3	: Mr. Parambir Singh Bajaj, Advocate

13 / Dated : 20.01.2026

1. Heard both the sides.
2. The petitioner- above named who is in custody since 05.02.2025 in connection with Dhurwa (Hatia) P.S. Case No.38 of 2025 for the offence registered under Sections 316(5), 318(4), 338, 319(2) and 61(2) of B.N.S., 2023 has prayed for regular bail.
3. As per the prosecution case, it is alleged that the petitioner by inducing the informant to get the plot of land in the HEC area by his connections in bureaucracy and claiming himself to be a senior IAS Officer presently working as General Manager, HEC, defrauded the informant for a total sum of Rs.1,25,86,480/-. It is also alleged that employment was offered by the petitioner to one Neeraj Kumar Sah (Opp. Party No.2). Out of total sum defrauded, Rs.48 Lakhs were taken by way of Bank transaction in the name of petitioner and his family members. Rest of the amount was received by the petitioner in cash apart from gold ornaments.
4. It is submitted by the learned Sr. counsel on behalf of petitioner that he had taken friendly loan of Rs.25,37,000/- by way of Bank transaction from the informant (Saumendra Mandal) and Rs.23,07,245/- was taken from said Neeraj Kumar Sah (Opp. Party No.2) who is associate of the

informant for construction of a Hotel in the State of Orissa.

It is also submitted that he is ready and willing to refund the said amount, but inflated sum of Rs. One Crore Twenty-Five Lakhs and odd has been claimed by the informant party. The Court proceeding has been initiated to recover the amount more than the amount received by bank transaction.

5. It is further argued that the Govt. land of HEC could not have been offered and such a huge sum could not have been advanced as the informant himself was an educated person and Director of a Nursing College. So far allegation of seeking public employment by illegal means is concerned, the same makes the informant *pari delicto*. Therefore, the legal proceeding cannot be used for realization of amount which as per the informant is for illegal object.

6. Learned A.P.P. for the State assisted by learned counsel for the informant has vehemently opposed the prayer for bail. It is submitted that there is admission of more than Rs.1.25 Crores both in kind as well as in cash. It is submitted that the petitioner has acknowledged more than Rs.1.25 Crores which forms part of the agreement dated 24.01.2025 and the same is enclosed as Annexure-A to the counter-affidavit. It is submitted that the Police after investigation has found that Rs.92 Lakhs has been siphoned by the petitioner and from the crime proceed, Hotel, namely, Hotel Vyanjan Plaza has been constructed in the name of his wife at Cuttack, Orissa.

7. Learned counsel for the O.P. Nos.2 and 3 while opposing the prayer for bail has submitted that a sum of Rs.50,08,000/- has been duped from these victims on a false promise of providing job as well as quarter in the HEC area. The said amount was paid by bank transaction in the name of petitioner and his family members.

Having considered the submissions advanced on behalf of both sides and on perusal of the materials on record, it appears that Rs.25,37,000/- was received by this petitioner in his own name and in the name of his family members through bank transaction from Saumendra Mandal and Rs.23,07,245/- was received from Neeraj Kumar Sah by way of bank transaction. Petitioner who is languishing in custody for about

two years is ready to return the amount he had received by way of bank transaction. There is merit in the plea on behalf of the Petitioner that courts cannot act as a recovery agent for any sum that has been illegally advanced wholly for an illegal object. Seeking employment in public office by paying illegal gratification and to obtain a government plot of land by the same name cannot be said to be legal.

Further, since the Petitioner is ready to refund the amount as taken through the bank transaction and in the facts and circumstance of the case, the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each, to the satisfaction of learned Court below, **subject to condition that the petitioner will deposit the said amount by drawing the bank draft of Rs. 25,37,000/- in the name of Saumendra Mandal and Rs.23,07,245/- in the name of Neeraj Kumar Sah which will be filed along with the bail bonds.** Refund of the amount will be without prejudice to the case of the parties.

(Gautam Kumar Choudhary, J.)

AKT/Satendra

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21.01.2026