

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No. 1308 of 2023**

Arvind Kumar, S/o Shivpujan Prasad, R/o Airport Road, Sarna Toli, Near  
Hotel Green Acres, PO-Hinoo, PS-Airport, District-Ranchi

... .. Petitioner

Versus

The State of Jharkhand, through the ACB ... .. Opposite Party

**CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner

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: Mr. Krishna Murari, Advocate

Mr. Raj Vardhan, Advocate

For the Opposite Party

: Mr. Deepankar, AC to GA-III  
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**Reserved on: 17/04/2026**

**Pronounced on: 24/04/2026**

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1. The present Criminal Miscellaneous Petition has been filed for quashing the order dated 05.01.2023 passed by the Special Judge, Anti-Corruption Bureau, Ranchi in Misc. Criminal Application No. 2190 of 2022, arising out of Ranchi A.C.B. P.S. Case No. 05 of 2020, corresponding to Vigilance Case No. 06 of 2020, whereby the discharge petition filed by the petitioner under Section 227 of Code of Criminal Procedure, 1973 (now Section 250 of the Baratiya Nagarik Suraksha Sanhita, 2023) has been dismissed.
  2. The brief facts of the case as emerge from the record are that one Hemant Kumar (Proprietor of M/s Laxmi Enterprises) made a complaint before Anti-Corruption Bureau, Ranchi stating that his firm was awarded a contract by the Chief Engineer, Jharkhand State Rural Roads Development Authority (JSRRDA), HEC, Dhurwa under Pradhan Mantri Gram Sadak Yojana (PMGSY) being PKG No. JH-2106, Phase No. VI, vide Agreement No. 05 PMGSY 2018-19 for an amount of Rs.3,78,24,591/-. The work was completed on 14.07.2019 and thereafter the petitioner, being the Executive Engineer, Rural Works Division, Simdega, released Rs.3,13,00,000/- in favour of the

complainant. However, an amount of approx. Rs.8,00,000/-, which was to be refunded after completion of the allotted work, was not paid to the complainant and the said amount was kept pending even after granting approval by the concerned Junior Engineer and Assistant Engineer. In the meantime, the petitioner demanded gratification of 1% of the total agreement value, which figured about Rs.4,00,000/-. The petitioner threatened that he would not release the rest amount of agreement value if the demanded amount was not paid. It was agreed after negotiation that the complainant would pay Rs.1,00,000/- as first installment for release of the rest amount with respect to the two pending bills pertaining to the completed work of road construction.

- 3.** The allegation of the complainant was secretly verified by the Police Inspector, ACB, Ranchi, and the same was found correct. Thereafter, an F.I.R being ACB P.S. Case No. 05 of 2020 was registered under Section 7(a) of the Prevention of Corruption Act, 1988 (hereinafter referred to as "the Act, 1988") as amended vide the Prevention of Corruption (Amendment) Act, 2018. A raiding team was constituted and G.C. Notes memorandum was prepared in the presence of officials of the team. During the course of trap on 15.07.2020, Phenolphthalein smeared gratification amount of Rs.1,00,000/- was recovered from the right hand of the petitioner and thereafter he was arrested.
- 4.** Subsequent to submission of charge sheet and taking cognizance of the offence, the petitioner filed discharge petition under Section 227 of the Cr.P.C, however, the learned trial court dismissed the said petition vide order dated 05.01.2023 observing that prima facie

sufficient materials were available on the record for framing charges against the petitioner under Section 7(a) of the Act, 1988 as amended by the Amendment Act, 2018.

- 5.** The charge under Section 7(a) of the Act, 1988 as amended vide the Amendment Act, 2018 has also been framed against the petitioner vide memo of charge dated 30.03.2023.
- 6.** Learned counsel for the petitioner submits that the petitioner is completely innocent and has been falsely implicated in this case by the complainant for not acceding his unjustified demand of releasing the total amount of performance guarantee without any prior verification and report, followed by due recommendations of the concerned Junior Engineer and Assistant Engineer.
- 7.** It is further submitted that the petitioner had already released an amount of Rs.4,00,000/- out of the security deposit in terms of the recommendations made by the concerned Junior Engineer and Assistant Engineer. However, the remaining amount was not released in absence of any recommendation for further payment.
- 8.** It is contended that the parameters for exercising the power of discharge have been the subject matter of consideration before the Hon'ble Supreme Court and in a catena of judgments, it has been observed that though at the stage of discharge, the court is not supposed to undergo meticulous exercise of determining the innocence of the guilt of the accused, but the same must be exercised with due diligence and without any prejudice since the criminal prosecution initiates serious adverse consequences which infringes the fundamental right to life as well.
- 9.** It is further submitted that on bare perusal of the order dated

05.01.2023, it would be evident that the learned trial court has not taken into consideration any material evidence as allegedly collected by the Investigating Officer to come to a conclusion that the petitioner is even prima facie guilty for the alleged offence under Section 7(a) of the Act, 1988 and as such the said order cannot be sustained and the matter deserves to be remitted back to the trial court for fresh consideration.

- 10.** On the contrary, learned counsel for the respondent-State submits that the learned trial court has rightly rejected the discharge petition filed by the petitioner observing that the prima facie materials are available against him for framing charge under Section 7(a) of the Act, 1988 and as such the same needs no interference of this Court.
- 11.** Heard learned counsel for the parties and perused the materials available on record.
- 12.** It is trite law that while considering a discharge petition, a mini trial is not permissible, rather the trial court has to proceed with the materials brought on record by the prosecution and to determine whether the facts emerging from the material taken on its face value, disclose the existence of the ingredients necessary for the offence alleged.
- 13.** When an application for discharge is filed, the trial court should apply its judicial mind to determine as to whether a case has been made out by the prosecution for proceeding with trial and it would not be necessary to dwell into the pros and cons of the matter by examining the defence of the accused. At that stage, the trial judge has to merely examine the evidence placed by the prosecution in order to determine whether or not the grounds are sufficient to proceed

against the accused on the basis of the material produced with the charge-sheet.

- 14.** If the nature of the evidence recorded or collected by the investigating agency or the documents produced by the prosecution prima facie reveals strong suspicion against the accused, then such materials would be taken into account for the purposes of framing the charge. If there is no sufficient ground for proceeding against the accused, the accused would be discharged necessarily. At the time of framing of the charge and taking cognizance, the accused has, however, no right to produce any material and call upon the court to examine the same. If the accused is able to demonstrate from the material produced with the charge-sheet at the stage of framing the charge, which might drastically affect the very sustainability of the case, the discharge petition may be allowed.
- 15.** It is also settled principle of law that at the stage of considering an application for discharge, the court must proceed on an assumption that the material which has been brought on record by the prosecution is true and is required to evaluate the said material in order to determine whether the facts emerging from the material taken on its face value, disclose the existence of the ingredients necessary for the offence alleged. At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter by holding that the materials would not warrant a conviction.
- 16.** While considering a discharge petition, the trial court cannot examine the facts, evidence and materials on record to determine whether there exists sufficient material on the basis of which the case would

end in a conviction, rather it has to look into as to whether the allegations taken as a whole will constitute an offence. The court should apply the test as to whether the uncontroverted allegations made in the chargesheet and the documents submitted therewith, prima facie establish the offence or not. If the allegations are so patently absurd and inherently improbable that no prudent person can ever reach such a conclusion as well as where the basic ingredients of a criminal offence are not satisfied, then the court may interfere.

- 17.** Thus, the question that falls for consideration of this Court is as to whether in the present case, the prima facie materials were available before the trial court to proceed against the petitioner for the alleged offence.
- 18.** Reverting back to the present case, the complainant namely, Hemant Kumar had made a complaint before the A.C.B, Ranchi alleging that the petitioner demanded an illegal gratification of 1% of the total agreement value for release of the amount kept as security deposit. The said allegation of the complainant was verified in a discreet manner by the Police Inspector, A.C.B, Ranchi and the same was found correct. Thereafter, a team was constituted for conducting raid and in presence of the team G.C Notes Memorandum was prepared. During the raid, the said team recovered phenolphthalein powder smeared sum of Rs.1,00,000/- from the right hand of the petitioner. Looking to the said facts, the trial court found that there were prima facie materials to frame charge against the petitioner under Section 7(a) of the Act, 1988.
- 19.** Before the trial court, the petitioner failed to demonstrate any such material on the basis of the documents available on record that the

allegations against him were patently absurd and inherently improbable. He also failed to show that the allegations levelled against him did not constitute an offence.

- 20.** Learned counsel for the petitioner has put reliance on the judgment rendered by a co-ordinate Bench of this Court in the case of **Shankar Yadav Vs. The State of Jharkhand (Cr. Revision no. 968 of 2015)**. In the said case, the Court had found that the trial court in its order rejecting discharge petition, had not considered or even whispered or discussed any evidence available on record or assigned any reason with respect to strong suspicion or prima facie case to frame charge. Resultantly, the Court, set aside the impugned order and remitted the matter back to the concerned court for passing a fresh order after considering the materials available on record.
- 21.** The facts and circumstance of the present case are completely different from the facts of the case cited by the learned counsel for the petitioner and as such the said judgment is not applicable in the present case. On bare perusal of the impugned order dated 05.01.2023, it would be evident that the trial court duly considered the entire materials available on record and thereafter found that there was prima facie material to proceed against the petitioner.
- 22.** Moreover, Mr. Deepankar, AC to GA-III appearing on behalf of the respondents, submits that the trial court has already proceeded with the trial and few witnesses have also been examined. Thus, otherwise also no interference with the order dated 05.01.2023 is warranted by this Court whereby the discharge petition of the petitioner has been dismissed.
- 23.** Considering the aforesaid facts and circumstance, I do not find any

infirmity in the order dated 05.01.2023 passed by the learned Special Judge, Anti-corruption Bureau, Ranchi in Misc. Criminal Application No. 2190 of 2022, arising out of Ranchi ACB P.S. Case No. 05 of 2020, corresponding to Vigilance Case No. 06 of 2020.

**24.** The present Cr.M.P is accordingly dismissed.

**(Rajesh Shankar, J.)**

April 24, 2026  
Manish/N.A.F.R

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