



notes Rs.5000/- from his pocket and gave to the applicant. The moment the applicant accepted bribe, the trap team nabbed him red handed. Thereafter Mr. Inspector Vinay Singh, Anti Corruption Organization, Mirzapur got a first information report lodged in the matter on 22.02.2025.

4-The submissions of learned counsel for the applicant are as under:-

i-The applicant was not the investigating officer of Case Crime No. 8 of 2025, therefore, there was no occasion for the applicant to make any demand of bribe as alleged in the F.I.R. dated 22.02.2025.

ii-No date and place of alleged demand of bribe by the applicant has been disclosed by the complainant.

iii-The F.I.R. of Case Crime No. 8 of 2025 was registered on 09.01.2025 and investigation of the said case was handed over to Mr. Mahendra Ram Bharti.

iv-Thereafter In-Charge Inspector, P.S. Jigana, District Mirzapur passed an order dated 10.01.2025, whereby he allotted further investigation of Case Crime No. 08 of 2025 to the applicant (S.I. Shakeel Ahmad). Since the applicant was assigned duty in Mahakumbh, 2025, therefore he was unable to conduct the investigation. Accordingly, he did not conduct any investigation of the said case and earlier investigating officer, Mr. Mahendra Ram Bharti has prepared the Case Diary No. 3 dated 11.01.2025.

v-On the strength of aforesaid facts, much emphasis has been given by contending that the applicant has been falsely implicated in this case.

vi-It is also pointed out that vide order of this Court dated 15.04.2025, the Superintendent of Police, Anti Corruption Organization, Varanasi was directed to

ensure the production of the complainant before the trial court for recording his statement, but the same has also not been done as the concerned trial court is running vacant.

vii-Lastly it is submitted that the applicant is languishing in jail since 22.02.2025, therefore, he is entitled to be released on bail.

5-In order to clarify the aforesaid factual aspect of the matter, as argued by learned counsel for the applicant, on 28.05.2025 following order was passed by this Court:-

*"As per the prosecution case in brief, allegation against the applicant is that a first information report was lodged by Mr. Deepak Kumar Rajbhar on 09.01.2025 at Case Crime No. 0008 of 2025, under Sections 303(2), 317(2) B.N.S., 4/21 Mines and Minerals Act and Section 3 of Prevention of Damage to Public Property Act against unknown person, in which present applicant-Shakeel Ahmad was the investigating officer. Since the F.I.R. was lodged against unknown person, therefore, applicant demanded a bribe of Rs. 15,000/- from Pramod Kumar Singh (complainant of the present case) on the pretext that he will not include his name as an accused in Case Crime No. 0008 of 2025, accordingly, the said matter was settled for Rs. 5,000/-. It is the case of the prosecution that the applicant was caught red handed while accepting bribe of Rs. 5,000/-.*

*The main substratum of argument of learned counsel for the applicant is that the applicant has not conducted the investigation of aforesaid Case Crime No. 0008 of 2025, therefore, there was no occasion for the applicant to make demand of alleged bribe.*

*On putting query in this regard, learned A.G.A. is not in a position to apprise the Court about the said submission raised on behalf of the applicant.*

*In view of the above, Mr. Krishna Mohan Rai, Inspector Anti Corruption Organization, Mirzapur who is the investigating officer of this case being Case Crime No. 01 of 2025, under Section 7 of Prevention of Corruption Act, Police Station Anti Corruption Mirzapur, District Mirzapur is directed to appear in person before this Court tomorrow (29.05.2025) at 10:30 a.m. along with complete case diary of Case Crime No. 8 of 2025 to assist learned A.G.A.*

*Put up this case for tomorrow i.e. 29.05.2025 as fresh.*

*Registrar (Compliance) of this Court as well as learned A.G.A. shall communicate this order to Superintendent of Police, Mirzapur as well as Mr. Krishna Mohan Rai, Inspector Anti Corruption Organization, Mirzapur today itself."*

6-Pursuant to aforesaid order of this Court, Mr. Krishna Mohan Rai, Inspector, Anti Corruption Organization, Mirzapur who is the investigating officer of the present case being Case Crime No. 01 of 2025 is personally present before this Court and produced the case diary of Case Crime No. 08 of 2025 for perusal of the Court.

7-On going through the case diary of Case Crime No. 08 of 2025, I find that on 11.01.2025, S.I. Mahendra Ram Bharti, has conducted the investigation and also prepared Case Diary No. 3. Thereafter, Case Diary No. 4 was prepared / written on 28.02.2025 by S.I. Chandra Shekhar and he has mentioned that earlier investigation of this case was being conducted by S.I. Shakeel Ahmad Khan (applicant), whereas

there is nothing on record to indicate that the present applicant has ever prepared /written any paper of case diary, as such, wrong averment has been mentioned in Case Diary No. 4 dated 28.02.2025 by the second investigating officer-S.I. Chandra Shekhar that earlier investigation of this case was being conducted by the applicant.

8-Mr. Krishna Mohan Rai, Inspector, Anti Corruption Organization, Mirzapur also admits before this Court that the record of this case was also never handed over to Mr. Shakeel Ahmad Khan (applicant) for investigation.

9-Having heard the submissions of learned counsel for the parties and investigating officer of the present case and perusing the record, I find that Mr. Krishna Mohan Rai, investigating officer of this case has not conducted fair investigation and he did not take pain to verify impartially whether the applicant-Shakeel Ahmad Khan had ever conducted any investigation in Case Crime No. 8 of 2025. In view of the above, I find force in the submission of learned counsel for the applicant that applicant never conducted investigation of case crime no. 08 of 2025 and no record was given to him.

10-Considering the facts and circumstances of the case as well as keeping in view the nature of the offence, evidence, complicity of the accused and submissions of the learned counsel for the parties as well as status of trial of the applicant as noted above, this Court is of the view that the applicant has prima-facie made out case for bail. Hence, the bail application of the applicant is hereby allowed.

11-Let the applicant-Shakeel Ahmad, be released on bail in the aforesaid case crime

