

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B. A. No. 9602 of 2025

Vinay Kumar Choubey, aged about 49 years, son of Devendra Choubey,
resident of 4, Kanke Road, P.O. and P.S. Kanke, District-Ranchi
..... ...Petitioner

Versus

The State of Jharkhand through ACB, (Vigilance) Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. R.S. Mazumdar, Senior Advocate
Mr. Nishant Kumar Roy, Advocate
For the ACB : Mr. Sumeet Gadodia, Advocate
: Mr. Ritesh Kumar Gupta, Advocate
: Ms. Shruti Shekhar, Advocate
Mr. Nillohit Choubey, Advocate

04/ 06.01.2026: Heard Mr. R.S. Mazumdar, learned senior counsel for the petitioner and Mr. Sumeet Gadodia, learned counsel for the A.C.B.

2. The petitioner has been made an accused in connection with Hazaribagh A.C.B. P.S. Case No. 09 of 2025 registered under sections 409, 467, 468, 471, 420, 120B of the Indian Penal Code and under section 13(2) and 13(1) (c) & (d) of the Prevention of Corruption (Amendment) Act, 1988, pending in the Court of learned Additional District Judge-II-cum-Special Judge, Vigilance (ACB), Hazaribagh and by way of this petition the petitioner is seeking regular bail.

3. Mr. R.S. Mazumdar, learned senior counsel for the petitioner submits that petitioner is innocent and he has committed no offence as alleged in the F.I.R. He further submits that the petitioner has been falsely implicated in this case. He next submits that petitioner was not named as an accused in the F.I.R. but subsequently he has been made accused in the instant case and he has been taken into custody by the prosecuting agency. He next submits that the petitioner has been made an accused in the instant case only on account of the fact that the petitioner was the then Deputy

Commissioner, Hazaribag and petitioner had joined the office as Deputy Commissioner, Hazaribagh on 26.05.2008 and he remained there till 05.10.2010. He next submits that the present case is outcome of preliminary enquiry being 24 of 2015 which was conducted by A.C.B on the complaint made by one Tripurari Singh 10 years ago who happens to be a journalist and the said enquiry was conducted with respect to the orders which were not passed by the petitioner and even the said orders were passed 17 years back when the petitioner was posted as Deputy Commissioner, Hazaribagh. He then submits that any order with respect to land relating to the khas mahal land are being passed under the Khas Mahal Estate Manual and on the directions of the Government. He further submits that only on the approval of the State Government said land has been transferred. He next submits that lessee has made an application for renewal of the lease which was registered as Lease Renewal Case No. 85/2007-08 and they have also made a prayer with respect to removing the word "Sevayat" and petitioner being the Deputy Commissioner has passed an order to delete the word "Sevayat" from Register-II and further recommended for renewal of the lease to the State Government through Divisional Commissioner. He further submits that this allegation is false in the F.I.R against the petitioner and petitioner has not passed any order to remove the word 'sevayat' and only forwarded the proposal put up by the Additional Collector in lease renewal case record no. 85/2007-08 to Divisional Commissioner for the State Government to take a decision in the matter and further action was taken after the approval of the State Government was obtained vide Memo No. 1502 dated 18.06.2009 thereafter the land in question has been transferred. He then submits that the petitioner has only

forwarded the same and noting of the other officers have been placed before the petitioner and in view of that the petitioner has been falsely implicated in the instant case. He next submits that allegation of not taking care of the order dated 26.07.2005 passed in C.W.J.C. No. 4200 of 2000 of the High Court is not against the petitioner. He submits that the petitioner has not passed any order and only the Government has passed the order of transfer of land in question. He next submits that the said order is of the year, 2005 whereas the petitioner has joined in the year, 2008 and the period of the said order the petitioner was not posted at Hazaribagh and it was not within the knowledge of the petitioner. On these grounds, he submits that the petitioner may kindly be granted regular bail. He next submits that the petitioner is in custody since 13.08.2025. He further submits that in para 41 to 43 of the counter affidavit, the Anti Corruption Bureau has stated about the other criminal cases lodged against the petitioner. He further submits that the word "approval for transfer of the land by the petitioner has been mentioned in the para 26 of the counter-affidavit, is not correct. On these grounds, he submits that the petitioner may kindly be granted regular bail.

4. Per contra, Mr. Sumeet Gadodia, learned counsel for the Anti Corruption Bureau vehemently opposes the prayer for grant of regular bail of the petitioner. He draws the attention of the Court to Annexure-D of the counter-affidavit which is order passed by the Commissioner, North Chhotanagpur, Division, Hazaribagh and submits that the lease was renewed in favour of deity Sri Sri Mahavir Ji from 01.04.1978 to 31.03.2008. He submits that by way of Annexure-E renewal was granted in favour of individual "sevayat" in place of deity Sri Sri Mahavir Ji ignoring all earlier

records of the case. He further submits that by order dated 08.12.2008 the approval was granted for substitution of the name of the Sevayat by the approval of the petitioner. He next submits that in the light of order dated 08.12.2008, the petitioner has recommended the renewal in favour of the four 'sevayat' and forwarded the same for recommendation to the Government. He further submits that the petitioner has approved the renewal of lease to the power of attorney holder namely, Vijay Pratap Singh and Sudhir Kumar Singh. He next submits that transfer case has been initiated being Transfer Case No. 01/2009-10 contained in Annexure-F which was instituted by Smt.Basanti Kumari Sethi and others. He then submits that by order dated 04.09.2009 the petitioner has recommended for approval of the transfer of the land to the Government in respect of 23 persons. He next submits that the petitioner is deeply involved in transaction of Khas Mahal land. He further submits that Investigating Officer has also examined the witness and two persons out of 23 persons in whose favour subsequent transfer of khas mahal land has taken place, have given the specific statement that through the power of attorney holders, namely, Vijay Pratap Singh and Sudhir Pratap Singh, the aforesaid persons met the petitioner, who was the then Deputy Commissioner, Hazaribagh and the petitioner has personally assured them that lease can easily be transferred in their names and accordingly, the said persons have stated that they had agreed to get the land transferred in their names. He draws the attention of the Court to para 86 of case diary and submits that this fact has been stated by three of the purchasers namely, Manish Narayan, Smt. Priti Prasad and Nand Rani Sinha. He further submits that in course of investigation it has been revealed that that approximately 5000 acres of land in the district of Hazaribagh have

been illegally transacted and the said lands in fact were belonging to and/or Forest land, Gair Majaruwa Aam, Sarkari Khas Mahal, Keshher-e-hind, Lakheraj, Trust lands etc. He then submits that entire land scams were done during the tenure of the petitioner, the then Deputy Commissioner, Hazaribagh. He further submits that there is huge possibility of surfacing of transaction of huge amount of illicit money being involved and that fact has come in para 104-107 of the case diary. He next submits that the petitioner being a senior IAS officer and custodian of government land records, exercised enormous administrative control and authority over subordinate officials of the district administration, revenue and registration departments. He then submits that ACB has very genuine apprehension that if the petitioner be granted regular bail he will influence the witnesses and tamper with the documentary evidence and to buttress this argument he draws the attention of the Court to supplementary affidavit filed by the petitioner particularly annexure-1 series and submits that even the orders which were in custody of the ACB have been annexed and that orders are not certified copy of the said orders. He next submits that petitioner being in custody, he has been able to procure those documents and annexed the same with the supplementary affidavit which cannot be ruled out that petitioner will not tamper with the documentary evidences. He next submits that the petitioner is also involved in another three cases relating to land scam and disproportionate assets etc.

5. Mr. Gadodia further draws the attention of the Court to para 54 of the Case Diary and submits that Rupees 3.16 crores in cash has been deposited in the account of Brahmastra Education Private Limited of which Swapna Sanchita who is wife of the petitioner and her brother namely,

Shipij Trivedi (brother-in-law of Vinay Kumar Choubey) are the directors. On these grounds, he submits that regular bail of the petitioner may kindly be rejected.

6. In view of above submissions of the learned counsel for the petitioner and learned counsel for the Anti Corruption Bureau, the Court has gone through the documents brought on record by way of annexing with this bail application as well as with the counter affidavit and in course of argument, case diary was also produced before the Court.

7. The land in question is khas mahal land which settled in favour of Ganpat Rai Sarawgi and the said Ganpat Rai Sarawgi as settled the same in the name of deity Sri Sri Mahavir Ji. The said settlement was sought to be cancelled by the deed of cancellation dated 29.10.1951 which has been rejected later on by the competent authority i.e Commissioner, North Chhotanagpur Division, Hazaribagh. Thereafter, again the renewal application was filed by Sevayat Pannalal Sethi and again it was renewed in favour of deity upto 31.03.2008. Thereafter ancestors-in-interest Sevayats have filed another renewal application being Renewal Case No. 85/2007-08 and thereafter, it has been renewed in favour of four Sevayats. The four sevayats have given the power of attorney to Vijay Pratap Singh and Sudhir Kumar Singh and through this power of attorney holder all the land was transferred to 23 persons. Various documents annexed with the petition which has been noted in the argument of the learned counsel for the Anti Corruption clearly suggests that the petitioner was instrumental in moving the file and recommending to the Government for approval of transfer.

8. The statement of the purchasers under section 180 of BNSS has been produced before the Court which is part of the case diary wherein

Manish Narayan, Smt. Priti Prasad and Smt. Nandrani Sinha have stated that Vijay Pratap Singh and Sudhir Kumar Singh have sold the land to twenty three persons and the purchasers were not having the knowledge of fraud being done by the power of attorney holder. They have stated that both power of attorney holders have stated that they are having the high connection with the higher officials and they will facilitate everything. They have also stated that Vijay Pratap Singh and Sudhir Kumar Singh used to visit the office of the Deputy Commissioner when the petitioner was posted as Deputy Commissioner, Hazaribagh.

9. Thus, there are sufficient materials against the petitioner to suggest that the petitioner was involved in all these transactions through different persons.

10. An IAS officer serves as the District Collector District Magistrate (DM)/Deputy Commissioner and acts as the government representative for the district. The officer will coordinate all services and direct the district's administration.

The District Magistrate/ Deputy Commissioner do focus on the field and his role includes three major, related functions. First, the officer serves as the Revenue Head of the district, in charge of all records of land, revenue, and taxes within the district, including land acquisition.

The second function is of the DM/ Deputy Commissioner to act as the Executive Magistrate, serving as a direct partner with the police department in Law & Order and maintaining public peace.

Finally, the DM/ Deputy Commissioner serves as the district's Development Leader, organizing all government welfare and infrastructure projects related to roads, hospitals, and schools to effectively advance

development for all citizens.

11. The petitioner was heading the post of Deputy Commissioner at the relevant time and all these transactions have taken place. At this stage it can be noted that interpreting the provisions of bail contained under sections 438 & 439 of the Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused.

12. Furthermore, in the landmark judgment of ***Gurucharan Singh and others v. State***, reported in ***(1978) 1 SCC 118***, it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there

cannot be any inexorable formula in the matter of granting bail. In the facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

13. In the case of ***Mallampati Gandhi S/O. Naga Raju vs The State of Telangana***, reported in ***2018 SCC Online HYd. 42***, the Hon'ble Supreme Court held that, "Bail law on economic and white collar offences is well delineated-and-no-more-res integra. Echoing the concern for economic offences, which are more dangerous and having far reaching impact on society than bodily offences, Honble Apex Court and several High Courts have held that in dealing with such bail applications, Courts are required to analyze and evaluate certain relevant factors cautiously."

14. The Hon'ble Apex Court in the case of ***Nimmagadda Prasad vs. Central Bureau of Investigation***, reported in ***(2013) 7 SCC 466***, has held as under;

"23.Unfortunately, in the last few years, the country has been seeing an alarming rise in white-collar crimes, which has affected the fibre of the country's economic structure. Incontrovertibly, economic offences have serious repercussions on the development of the country as a whole. In State of Gujarat v. Mohanlal Jitmalji Porwal this Court, while considering a request of the prosecution for adducing additional evidence, inter alia, observed as under: (SCC p.371, para 5) #5.....The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism

from the quarters which view white-collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.

25. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as a grave offence affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

15. Further looking into para 54 of the Case Diary it transpires that Rupees 3.16 crores in cash has been deposited in the account of Brahmastra Education Private Limited of which Swapna Sanchita who is wife of the petitioner and her brother Shipij Trivedi (brother-in-law of Vinay Kumar Choubey) are the directors.

16. So far the argument of the learned senior counsel for the petitioner with regard to ignoring the order of the High Court passed in C.W.J.C No. 4200 of 2000 is concerned, that cannot be accepted in view of the fact that the petitioner being head of the administration particularly of revenue record was not able to see the order of the High Court, the said submission appears to be misconceived.

17. In the light of above discussions noted hereinabove and coming to the facts of the present case it transpires that the petitioner while working as Deputy Commissioner and has done various irregularities by allotting various government lands to the interested persons. The petitioner has shown undue favour to the persons in whose favour the land was transferred. The petitioner has abused the power of his post and position.

18. The supplementary affidavit has been filed by the petitioner wherein annexure-1 series are the orders passed relating to the said transfer. The said orders are not certified copy. The petitioner is in custody and inspite of that those orders have been annexed with the supplementary

affidavit which clearly suggests that petitioner can tamper with the evidence and this fact itself fortifies the apprehension of the Anti Corruption Bureau that petitioner can tamper with the evidence being senior IAS officer of the State of Jharkhand.

19. Thus, considering the overall materials on record and the role attributed to this petitioner, the gravity and seriousness of the offence committed by the petitioner as he is sitting over the highest post of the Government, he can tamper with the evidence if he is granted regular bail. Further in course of argument it has been pointed out by the learned counsel for the Anti Corruption Bureau that Sevayats are not cooperating in the investigation being done by the ACB and investigating against Sevayats is pending.

20. It has been noticed that in recent times there was increase in socio-economic offences in the country. These are the offences which are solely committed for personal gains. These crimes are affecting every part of the country's economic structure and wrecking the people's faith in the system.

21. In the following circumstances, if the person is very influential and there is every chance to mislead the case, in such cases bail should not be granted.

22. In view of what has been discussed hereinabove, the present bail application fails and is hereby rejected at this stage. Pending I.A, if any, stands dismissed.

Dt.06.01.2026

Satyarthi/-A.F.R.

(Sanjay Kumar Dwivedi, J.)