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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14985 of 2014

Arising Out of PS.Case No. -2 Year- 2014 Thana -C.B.I CASE District- PATNA

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1. Virendra Prasad Yadav Son Of Shri Nageshwar Rai Resident Of Village-Lohargama Katesar, P.O.-Katesar, P.S.-Sakra, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Vigilance

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajeev Ranjan
For the Opposite Party/s : Mr. V.N.P.Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

8 15-01-2015 Heard learned counsel for the petitioner and learned Senior Counsel representing the Economic Offences Unit.

Second supplementary affidavit has been filed on behalf of the petitioner which has been taken on record.

Petitioner apprehends his arrest in connection with Economic Offences P.S. Case No. 02 of 2014 registered for the offences punishable under Sections 13 (2) read with Section 13 (1) (e) of the Prevention of Corruption Act.

The petitioner was appointed as Mining Inspector on 20.1.1996 and the properties which were declared by him for the financial year 2012-13 was bout 69,00,000/- out of which tentative expenditure was shown to the tune of Rs. 36,50,000/-. The Economic Offences Department prepared a list of movable property and assessed the value of Rs. 55,85,349/- and the value of immovable property was assessed to the tune of Rs. 88,98,248/- thus, total sum of Rs. 1,12,33,333/- were found as acquired by adopting corrupt practices.

Submission is that the very basis of the FIR is wrong as it is alleged that the wife of the petitioner is merely a housewife whereas wife of the petitioner is running Vadini Gas Agency and she is filing independent return in her name since the assessment year 2007-08 and from the assessment of the income of the wife of the petitioner no disproportionate property is said to be acquired by the petitioner because the property of the petitioner and other family members have been tagged.

On the other hand learned Senior Counsel representing the EOU submits that Vadini Gas Agency was started in the year 2012 and it is admitted that the wife of the petitioner was showing her income by way of gift but from where she was receiving gifts is not known and it shows that the income was disproportionate asset. It is also submitted that the investigation is going on and for proper investigation interrogation of the petitioner is required.

In the facts and circumstances stated above and as the petitioner is not explaining the asset in his hand, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

The petitioner is directed to surrender and co-operate in the investigation.

(Jitendra Mohan Sharma, J)

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