

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20486 of 2016

Arising Out of PS.Case No. -23 Year- 2013 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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1. Md. Kamal Ashraf @ Kamal Ashraf son of Late Md. Nayeem Ashraf alias Syed Abdul Nayim, resident of Village- Hargawan, Police Station- Manpur, District- Nalanda, at present resident A/8, Ali Nagar Colony, Anisabad, P.S. Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through S.P., E.O.U, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate

For the Opposite Party/s : Mr. Mr. Vishwanath Pd. Sinha(For Eou)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 30-06-2016 Supplementary affidavit has been filed on behalf of the

petitioner, let it be kept on record.

Heard learned counsel for the petitioner and learned
senior counsel for the Economic Offences Unit.

The petitioner seeks bail in connection with Special
Case No. 33 of 2013 arises from EOU P.S. Case No. 23 of 2013
registered for the offences punishable under Sections 13(2) read
with Section 13(1)(e) of P.C. Act.

The petitioner was appointed as Sub-Registrar in the
year 1987 and allegedly, during posting at different stations of
Bihar, he acquired huge movable and immovable properties more



than his reasonable sources of income. After enquiry, it reveals that the petitioner received salary of Rs. 50,00,000/- during service period and further received Rs. 5,00,000/- from bank interest whereas he was found possessing assets worth Rs. 2,02,09,500/- and accordingly, it was found that property worth Rs. 1,64,49,500/- was disproportionate to his known sources. Further during raid, cash of Rs. 2,55,000/- and other articles including jewelries, vehicles and documents relating to movable and immovable properties were recovered.

Submission is of false implication and that due to miscalculation done at the part of Economic Offences Unit, this case has been filed. The petitioner has already been dismissed from service on these allegations, and has been sufficiently penalized. Further in this case, without proper investigation, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. The amount received by the wife of the petitioner by her relatives has not been excluded and that has been included as the asset of the petitioner and, as such, the petitioner who is suffering in custody since 26.04.2016 after his surrender, deserves sympathetic consideration.

The learned senior counsel for the Economic Offences Unit opposes the prayer of bail by submitting that during

investigating the allegations as alleged have been found true and accordingly chargesheet has been submitted.

In the facts and circumstances stated above, considering that now investigation is complete and there is no chance of tampering with the prosecution evidence and, as such, above named petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-1st, Patna in Special Case No. 33 of 2013 arising out of E.O.U. P.S. Case No. 23 of 2013 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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