

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21243 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -C.B.I CASE District- PATNA

1. Bhola Giri son of Late Jay Krishna Giri, Resident of Flat No.-108, Radha Krishna Apartment, R.K. Bhattacharya Road, P.S.- Gandhi Maidan, District- Patna (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar Through Dy. S.P.-cum-inspector of Police, Vigilance Investigation Department, Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Rama Kant Sharma (L.O,I/C Vigi)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-06-2016 Heard learned counsel for the petitioner and learned counsel appearing for the Vigilance Investigation Department, Bihar, Patna.

The petitioner apprehends his arrest in connection with Special Case No. 11 of 2016 arising out of Vigilance Police Station Case No. 26 of 2016 registered for offence punishable under Sections 13 (2) read with Section 13 (1) (e) of the Prevention of Corruption Act, 1988.

The prosecution case is that according to the informant on secret information an enquiry in regard to the disproportionate assets of Bhola Giri, Marketing Officer, Food and



Consumer Protection Department, Lalganj was held. According to the informant in the year, 1992 Bhola Giri was appointed as Assistant Consolidation Officer and thereafter he was shifted to the Food and Consumer Protection Department and at present is posted as Marketing Officer at Lalganj Vaishali. Prior to his present posting, he was posted at different places like Danapur, Masaurhi and it has been alleged that in between year 1992 to 2012 Bhola Giri has amassed huge disproportionate assets in his name and in the name of his family members, which is much more than his source of income. It has been alleged that he has purchased at different places flats and shop in his name and also in the name of his wife. It is further alleged that according to the informant total approximate income of Bhola Giri from all sources is about Rs. 1,13,00,000/-. The expenditure on kitchen and children is about Rs. 18,66,000/-, as such the total savings would be Rs. 94,34,000/- but the accused was found in possession of property and cash worth Rs. 1,18,86,276/- and as such a sum of Rs. 87,52,267/- became excess which is disproportionate to the known sources of income of Bhola Giri.

Learned counsel for the petitioner submits that he has no criminal antecedent as is evident from para-3 of this application and on secret information an enquiry with regard to disproportionate assets of the petitioner, who is Marketing Officer, Food & Consumer Protection Department, Lalganj, Vaishali his

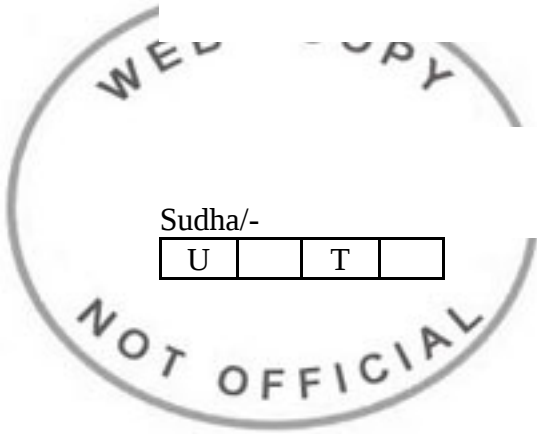
House, landed property and immovable assets and jewelery were found amounting to Rs. 87, 52, 267/- beyond his known source of income.

It has been submitted by the learned counsel for the petitioner that he has furnished the details of assets which is in his possession, to the Vigilance Department and being a Government servant, he is ready to co-operate with the investigation, which is going on and will receive all papers, as and when required.

However, learned Senior counsel for the Vigilance Department submits that the investigation is still going on and disproportionate assets is likely to increase, hence vehemently opposes the prayer for bail.

Be that as it may, since the petitioner is a Government Servant and will receive all papers when he was asked by the Vigilance Department, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance 1st, Patna in connection with Special Case No. 11 of 2016 arising out of Vigilance Police Station Case No. 26 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with a further condition that he will appear before the Court as and

when required and in case of failure to appear on two consecutive dates without assigning any reason, the bail bonds of the petitioner will be liable to be cancelled.



(Nilu Agrawal, J)