

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.236 of 2017

Arising Out of PS.Case No. -70 Year- 2015 Thana -C.B.I CASE District- MUZAFFARPUR

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1. Mahendra Prasad Son of Late Kameshwar Prasad Resident of Village-Uprawa, P.S. Kashi Chak, District-Nawada, Presently residing at Mahavir Colony, Anjanpir, P.O. and P.S. Hajipur, District-Vaishali at Hajipur

.... Petitioner

Versus

1. The State of Bihar Through The Vigilance

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anita Kumari

For the Opposite Party : Mr. Ramakant Sharma (L.O., Inc., Vigilance)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

9 31-05-2017 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Sections 13(2) read with 13(1)(E) of the Prevention of Corruption Act, 1988.

The allegation in the first information report is that the petitioner was found in possession of disproportionate asset to the known source of income. The petitioner was Head-Clerk in the Collectorate, Vaishali at Hajipur, and the relevant period for cheque was taken from 1979, the entry in the service to December, 2006. The total known income of the petitioner was Rs.28,52,983/- and total expenses calculated were Rs.37,97,544/-, which includes expenses of education, expenses of marriage, expenses in payment



of holding tax and other expenses such as payment to Life Insurance Corporation of India etc.

Submission of the petitioner is that enquiry was conducted in the year 2015 and the last income was taken up to December, 2006. The income should have been taken up to the date of consideration of the disproportionate asset.

The learned Senior Counsel for the Vigilance opposed the prayer on the ground that entire income and expenses have been considered for the relevant period between July, 1979, to December, 2006, hence, no prejudice has been caused to the petitioner in calculation.

Considering the fact that calculation of expenses is not based on some already fixed standard or on the basis of materials collected during inquiry, let the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Special Case No. 30 of 2015** arising out of Vigilance P.S. Case No. 70 of 2015 to the satisfaction of the **Special Judge, Vigilance, North Bihar, Muzaffarpur**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.



However, the aforesaid finding in granting anticipatory bail shall not prejudice the trial and the petitioner shall fully cooperate with the investigation/trial of the case, failing which the bail bond of the petitioner shall be cancelled by the Court below itself.

(Birendra Kumar, J)

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