IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38565 of 2017

Arising Out of PS.Case No. -18 Year- 2015 Thana -VIGILANCE District- PATNA

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Satya Narayan Mahto, Son of Late Babu Lal Mahto, resident of Village - Bherokhra, P.S. Tajpur, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar through the State Vigilance.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shailendra Kumar, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma (L.O, I/C. Vigi)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Vigilance P.S. Case No. 18 of 2015 instituted for the offence under Section 13(2) read with 13(i)(e) of the Prevention of Corruption Act, 1988.

It is alleged in the written report that petitioner who was Superintendeing Engineer, Building Construction Division, Muzaffarpur, in P.W.D. has amassed disproportionate income in his name and in the name of his family members worth crores of rupees by adopting corrupt and illegal means and by abusing his official position. It is further alleged that during his tenure of service, the total income of the petitioner through the salary and other sources including the loan from the bank was found Rs.1,04,49,462/-, out of which, he spent Rs.36,66,333/- over the budget of his kitchen and education of his children and his total savings was found to be Rs.67,83,129/-. On physical verification of the property of the petitioner, it is found that he has invested Rs.1,67,68,000/- over the purchase of immovable properties including construction of house, plots and agricultural lands and made investment of Rs.3,15,43,788/- in banks and insurance as also other financial institutions and purchase of ornaments. In this way, the petitioner was found in possession of assets worth Rs.4,15,28,659/- disproportionate to the known sources of his income.

The counsel for the petitioner has submitted that it is a matter of accounting. His son was running a school and his wife is also an income tax assessee.

Learned counsel for the vigilance has submitted that it is mentioned in the impugned order that during course of search of the house of the petitioner, cash worth Rs.1,04,000/- has been recovered out of which currency notes of Rs.1,000/- was found to be counterfeit currency note.

From the impugned order it appears that certificates relating to investment in Sahara Compnay, Certificates of insurance policies and deeds relating to plots in the name of the petitioner and his wife as well as son and daughters have been recovered, which shows the huge investment by the petitioner. It is mentioned in paragraph-235 of the case diary that in Sahara Company, 2190 accounts were opened by the petitioner. In the written report, it is alleged that total Rs.4,15,28,659/- has been found to be disproportionate to the known sources of his income.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which shall be disposed off by the court below on the same day in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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