

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16865 of 2018

Arising Out of PS.Case No. -1 Year- 2013 Thana -VIGILANCE District- PATNA

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1. Dulari Prasad, wife of Sri Devendra Prasad, Resident of Dulari Sadan,
Health Institute Road, Beur, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the S.P. Vigilance, Old Secretariat Patna.

.... Opposite Party/s

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with

Criminal Miscellaneous No.23975 of 2018

Arising Out of PS.Case No. -1 Year- 2013 Thana -VIGILANCE District- PATNA

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1. Devendra Prasad, aged about 65 years, Son of Late Shiv Nandan Prasad,
Resident of Dulari Sadan, Health Institute Road, Beur, Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The S.p. Vigilance, Old Secretariat, Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.16865 of 2018)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Opposite Party/s : Mr. Smt. Meena Singh

(In Cr.Misc. No.23975 of 2018)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 05-07-2018 Both the cases arises out of same Police Station case, hence,

both cases are being heard altogether.

Heard the parties.

The petitioner is apprehending his arrest in connection with

Special Case No.70 of 2013 arising out of Patna Special Vigilance

Unit P.S.Case No.1 of 2013 registered for offences punishable



under Sections 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988.

A D.A. case was registered finding disproportionate amount of Rs.82 lac and odd against the petitioner.

Submission of the learned counsel for the petitioner is that without verifying the source of income of the petitioner, a case of disproportionate asset has been lodged. The petitioner has taken loan for purchase of the car and also from his retiral benefits, he has constructed a house but in spite of that without verifying the same, the case has been lodged against the petitioner.

So far petitioner in Cr. Misc. No.16865 of 2018 is concerned, it is submitted that she is a lady aged about 60 years and unable to move as she is suffering from several diseases.

Heard learned A.P.P. and the learned counsel for the vigilance. They have opposed the prayer for bail on the ground that a case for confiscation has already been instituted against the petitioner and in that case, the officer has convicted the property against which the petitioner has preferred Cr. Appeal No.2012 of 2018 and the charge-sheet has already been submitted against the petitioner after verifying all the papers..

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant



anticipatory bail to the petitioner of Cr. Misc. No.23975 of 2018 (Devendra Prasad) rather let the petitioner surrender before the learned court below within a period of four weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on its own merit.

So far petitioner of Cr. Misc. No.16865 of 2018 (Dulari Prasad) is concerned, she is directed to surrender before the learned court below within a period of six weeks and on her surrender, the learned court below shall constitute a medical board who will examine her illness whether she is suffering from the serious diseases and unable to move and once the report has been received, he will pass an appropriate order.

It is also made clear that till the report is received in this case she be released on provisional bail.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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