

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61492 of 2017

Arising Out of PS.Case No. -26 Year- 2013 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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1. Ram Chandra Gupta S/o Late Natthu Praasd Gupta R/o Flat No.402,
Shail Regency, Arya Samaj Mandir Road, Saguna, P.S. Danapur, District
Patna. Bihar.

.... Petitioner/s

Versus

1. State of Bihar Through Economic offence Unit

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Bishwanath Prasad Singh (EOU)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2018 Heard the learned senior counsel for the petitioner and

learned senior counsel appearing for the Economic Offences Unit.

This is an application for grant of anticipatory bail in
connection with EOU Case No. 26 of 2013, registered for the
offence punishable under Sections 13(2), 13(1)(e) of the
Prevention of Corruption Act, 1988.

The allegation against the petitioner is having
disproportionate assets in excess of his known source of income
and ultimately, it has been found that the amount of
disproportionate assets is to the tune of Rs. 96,00,000/-
approximately. It is alleged that primarily, the disproportionate
assets are on account of defalcation in the construction of building



at Muzaffarpur. It is further submitted that the building, which was being constructed, was not according to the map and there had been major discrepancies.

The learned senior counsel for the petitioner submits that the petitioner was merely an Executive Engineer and he has got ancestral properties, which has been included by the Economic Offences Wing while calculating the disproportionate assets. It is further submitted that barring one case, the petitioner has a clean antecedent.

The learned senior counsel for the Economic Offences Unit submits that upon inquiry, the disproportionate assets amount has been boiled down to Rs. 96,00,000/- approximately and therefore, the complicity of the petitioner has been established during the course of investigation.

Having regard to the facts and circumstances of the case, I am of the view that at the moment, for the purposes of grant of anticipatory bail, it would not be appropriate to deal with the findings of the Economic Offences Wing since the trial is yet to commence, hence it would be appropriate that a direction is given to the petitioner to cooperate in the investigation and the trial. It also transpires from the petition filed by the petitioner that with regard to the connected offence, which is subject matter of the present F.I.R., a



departmental proceeding was held by the department and the petitioner has been exonerated from the same.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance 1st, Patna in connection with Special Case No. 38 of 2013 arising out of EOU F.I.R. No. 26 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner will present on each and every date before the learned trial court on the date fixed and in case of two consecutive defaults, the present privilege of anticipatory bail would be withdrawn and the petitioners would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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