

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58444 of 2018

Arising Out of PS. Case No.-5 Year-2016 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Shyam Babu Singh S/o Late Singho Singh, R/o Mohalla- Sri Ram Nagar
Colony, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar through the Additional Superintendent of Police-cum-
Incharge of Economic offence Wing, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shakir Ahmad

For the Opposite Party/s : Mr. V.N.P Sinha (Eou)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-09-2018 Heard both sides.

The petitioner seeks bail in Special Case No.26 of 2016, arising out of Economic Offence P.S. Case No.05 of 2016 registered for the offence allegedly committed by the petitioner under Section 109 of the Indian Penal Code and under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act.

The gist of the allegation is that the petitioner while working as Constable and later on promoted to the post of ASI amassed huge property disproportionate to his known source of income. His property was worth Rs.67,52,021/- as per initial assessment but now it has come to Rs.1,22,25,000/- and on such the present case was registered.



Mr. Ramakant Sharma, the learned senior counsel for the petitioner submits that Doranda P.S. Case No.88 of 2015 was registered under Sections 403, 406, 420, 408, 504 and 34 of the Indian Penal Code and the petitioner was granted bail in that case. The informant of that case also filed complaint before the Economic Offence Unit of Bihar and on the basis of which Economic Offence P.S. Case No.06 of 2015 was registered against the petitioner. The petitioner filed criminal writ for quashing the FIR of Economic Offence P.S. Case No.06 of 2015 as the same is verbatim Hindi translation of English version of Doranda P.S. Case No.88 of 2015 and on such Economic Offence P.S. Case No.06 of 2015 was quashed with liberty tot the Economic Offence Unit to institute fresh case under appropriate sections, if the petitioner was found to have amassed property disproportionate to the known source of his income and thereafter the present case has been lodged. It is further submitted that the petitioner is in jail since 23.03.2018. Although the petitioner was arrested on 09.01.2018 in connection with another case, therefore, the petitioner deserves bail.

Mr. Vishwanath Prasad Singh, the learned senior counsel for the Economic Offence Unit submitted that the



petitioner being a Constable amassed more than Rs.1 Crore disproportionate the known source of income. It is submitted that the petitioner illegally collected money and got registered a Company in the name of his wife and son, therefore, the petitioner does not deserve bail.

Having considered the facts and nature of allegations made against the petitioner that during his life time, he has amassed huge amount worth rupees more than 1 Crore disproportionate to the known source of his income but the petitioner has remained in jail for about six months and charge-sheet has already been submitted, petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-1st, Patna in connection with Special Case No.26 of 2016, arising out of Economic Offence P.S. Case No.05 of 2016.

(Prabhat Kumar Jha, J)

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