

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40431 of 2019

Arising Out of PS. Case No.-95 Year-2015 Thana- C.B.I CASE District- Muzaffarpur

SRI PRAMOD KUMAR RAI Son of Late Shital Rai Resident of Village -
Jitwaria, P.S. - Kalyanpur, District - Samastipur, the then Mukhiya, Gram
Panchayat Raj, Jitwaria, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH SUPERINTENDENT OF POLICE
VIGILANCE DEPARTMENT GOVT. OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Adv Mr.Bijay Bhushan Prasad
For the Opposite Party/s	:	Mr.Ajay Mishra, AC toVigilance,Bihar,Patna

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 02-09-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988, registered in connection with Vigilance P.S. Case No. 95 of 2015, Special Case No. 42/2015.

3. It is submitted that the petitioner has been falsely implicated on the accusation of having amassed assets disproportionate to his known source of income. It has been alleged that for the check period 07.03.2006 to 29.03.2011, as against his known income of Rs. 5,52,249/-, there was a total expenditure of Rs. 23,38,021/-. It is submitted that there is a totaling error in the figure of total expenses which correctly adds only to Rs. 16,63,021/- and thus the expenses has been overstated by about Rs. 6,75,000/-. It is further submitted that out of such expenses, Rs. 5,00,000/- appearing at sl. no. 9 thereof relates to the *Streedhan* of the petitioner's wife, who is a primary teacher and the same could not be treated in the hands of the petitioner. It is therefore submitted that the accusation on the face of it



is unsustainable. The petitioner claims clean antecedents.

4. Learned counsel for the Vigilance appears and opposes the petition submitting that there is apparent acquisition of wealth in excess of the petitioner's known source of income.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (Vigilance), North Bihar, Muzaffarpur, in connection with Vigilance P.S. Case No. 95 of 2015, Special Case No. 42/2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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