

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56035 of 2019

Arising Out of PS. Case No.-2 Year-2016 Thana- VIGILANCE District- Patna

1. BARUN KUMAR SIKDAR Son of Late Ravindra Nath Sikdar Resident of 2A, Sugandha Villa Apartment, Road No.10B, Rajendra Nagar, Patna, Police Station-Kadamkuan, District-Patna.
2. Binita Sikdar Wife of Barun Kumar Sikdar Resident of 2A, Sugandha Villa Apartment, Road No.10B, Rajendra Nagar, Patna, Police Station-Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Adv.
	,	Mr. Manager Sah
	,	Mr. Rakesh Kumar
	,	Mr. Samarendra Rahul
For the Opposite Party/s	:	Mr. Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-09-2019 Heard learned Senior Counsel for the petitioners
and learned Counsel appearing on behalf of the Vigilance.

This application, for grant of anticipatory bail, arises out of S.V.U. Police Station Case No. 02 of 2016, disclosing offences under Section 13 (2) read with Section 13 (1) (e) of the Prevention of Corruption Act, 1988.

The allegation against the petitioners, as per the First Information Report, is that the petitioner no. 1 was posted as Deputy Commissioner of Commercial Taxes in Nalanda and has amassed huge assets through corrupt means, which is



disproportionate to his known sources of income. The check period of assessment of wealth by the Vigilance is between 1993 and 17.12.2016. It is further alleged that the petitioner no. 1 is a corrupt officer, who has suppressed information regarding possession of movable and immovable assets in the name of his wife, petitioner no. 2, in the latest declaration of assets and liabilities filed by the petitioner no. 1 with his controlling authority. In the First Information Report, the disproportionate asset has been mentioned as Rs. 44,16,163/-; whereas in the charge sheet, the disproportionate asset has been shown as Rs. 60,65,099/-.

Learned Senior Counsel appearing on behalf of the petitioners submits that the petitioners have not committed any offence in the manner alleged and submits that while calculating the disproportionate asset, the Investigating Officer has miscalculated the amount towards the salary of the petitioner, LIC policy survival benefit amount, income from interest of different banks, income of petitioner no. 2, income from mutual funds, interest on P.P.F. amount, car loan etc. He further submits that as per the calculation and the materials produced by the petitioners before the Investigating Officer and other authorities, which is Annexure-3 series, the Vigilance has calculated the



income as Rs. 1,50,34,048.89/-, but as per the book, it would be Rs. 1,90,14,340.12/-. Accordingly, he submits that a variance of Rs. 39,80,291.23/- was found by the Investigating Officer at the face of it and relying on page-91 of this application (part of Annexure-3 series), he submits that other particulars, like value of inventory and jewellery have not been considered by the Investigating Officer. He further submits that in course of investigation, the petitioners have co-operated with the Investigating Officer and they were not arrested by the Vigilance. He further submits that there is no possibility of tampering with the evidence by the petitioners and the petitioners will abide by the terms and conditions imposed by this Court.

On the other hand, learned Counsel appearing for the Vigilance vehemently opposes the prayer for anticipatory bail and submits that the petitioners have been found in possession of disproportionate assets to the tune of a huge amount of Rs. 60,65,099/-. and the Vigilance has already submitted charge sheet against the petitioners. He further submits that from perusal of the impugned order, it appears that in course of investigation, the witnesses have stated against the petitioners as learned Court below has noted down various



paragraphs of the case diary.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioners have not been arrested by the Vigilance in course of investigation and charge sheet has already been submitted against the petitioners and there is no possibility of the petitioners being absconding or tempering with the evidence, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of fifteen days, be released on bail on furnishing bail bonds of Rs. 50,000/- (fifty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna, in connection with S.V.U. Police Station Case No. 02 of 2016, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure and (ii) the petitioners will surrender their passport and will not leave the country without the prior permission of the learned Court below.

This is subject to further condition that the petitioners shall present themselves before the police/Court, as the case



may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bails bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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