

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77595 of 2018

Arising Out of PS. Case No.-35 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Shishir Kumar S/o Nand Kishore, R/o Vill.- Basauli, P.S.- Rajapakar, District-
Vaishali at present residing at SDO Road, Andarkila, P.S.- Town, District-
Vaishali Hajipur.

... .. Petitioner/s

Versus

The State Of Bihar Through The Superintendent Economic Offences Unit

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63324 of 2018

Arising Out of PS. Case No.-35 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Vinita Kumari, W/o Shishir Kumar, Resident of Village- Basauli, P.S.
Rajapakar, District- Vaishali at present residing at SDO Road, Andarkila, P.S.
Town, District- Vaishali Hajipur.

... .. Petitioner/s

Versus

The State Of Bihar Through The Superintendent, Economic Offences Unit

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 77595 of 2018)

For the Petitioner/s : Mr. N. K. Agrawal,
Mr. Ravi Bhardwaj

For the Opposite Party/s : Mr.V.N.P. Sinha Eco. Unit
Mr. Akhileshwar Pd. Singh, Sr. Advocate
Mr. Vijay Chand

(In CRIMINAL MISCELLANEOUS No. 63324 of 2018)

For the Petitioner/s : Mr.Ravi Bhardwaj

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5. 15-04-2019 Heard the parties.

Both the cases relates to the same P.S. case case
number as such both are taken together for disposal by a
common order.



The petitioner in Cr. Misc. No.77595 of 2018 and the petitioner in Cr. Misc. No.63324 of 2018 are apprehending their arrest in connection with Special Case No.51 of 2013 arising out of Economic Offences Unit P.S. Case No.35 of 2013 registered under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act and under Section 109/120B of the IPC.

Petitioner in Cr. Misc. No.77595 of 2018 is a retired Assistant Engineer of Vaishali Jila Parishad and petitioner in Cr. Misc. No.63324 of 2018 is the wife of the petitioner Shishir Kumar.

Allegation against the petitioner, Shishir Kumar, is disproportionate income from his sources to the tune of Rs.1crores and 64 lakhs and odd and the allegation against the petitioner, Vinita Kumar, is of helping his husband in amassing the disproportionate assets.

Submission of learned counsel for the petitioner is that there is allegation of income of excess income of Rs.1 crores 64 lakhs for which he has filed supplementary affidavit giving a detail that shows that apart from the income that has been assessed by the CBI, he has income from the rent of Rs.37 lakhs, 23 lakhs from provident fund and also some friendly loan and the loans from the banks and that if they are taken together,



there is no excess of the income of the petitioner, Shishir Kumar. Apart from that wife of petitioner is also in job and she has also her own income and so far petitioner Vinita Kumar is concerned, only allegation is her of helping his husband in amassing the disproportionate assets and no specific allegation has been attributed.

Heard learned counsel for the Economic Offences Unit who was opposed the prayer for bail and submitted that considering all the incomes as shown in the supplementary affidavit, it has come to the conclusion that he has an excess of Rs.1 crore and 64 lakhs and odd and as such the petitioner, Shishir Kumar, does not deserve bail. So far as Petitioner, Vinita Kumari, is concerned, she could not satisfy this Court what are the charges against her except helping her husband.

Having heard both sides and in view of the facts and circumstances, so far as petitioner, Shishir Kumar, is concerned in Cr. Misc. No.77595 of 2018, I am not inclined to grant privilege of anticipatory bail rather he should surrender and make prayer for regular bail which shall be considered on its own merit without being prejudiced the order of this Court. So far as petitioner, Vinita Kumar in Cr. Misc. No.63324 of 2018 is



concerned, in the event of arrest or surrender before the Court below within a period of six weeks from the date of order, be released on anticipatory bail upon furnishing bail bond of Rs.25,000/-(Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-Ist, Patna in connection with Special Case No.51 of 2013 arising out of Economic Offences Unit P.S. Case No.35 of 2013, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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