IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.19964 of 2020

Arising Out of PS. Case No.-22 Year-2018 Thana- C.B.I CASE District- Patna

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Smt. Kumar Manju @ Kumari Manju, W/o Sanjay Kumar, Resident of Village- Ohari, P.S.- Nawada, Distt- Nawada.

... ... Petitioner

Versus

Central Bureau of Investigation, A.C.B., Patna Bihar

... ... Opposite Party

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate
		Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party	:	Mr. Bipin Kumar Sinha, SC to CBI

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 02-09-2020 Heard Mr. N.K. Agrawal, learned senior advocate for the petitioner and Mr. Bipin Kumar Sinha, learned standing counsel to CBI through video conferencing.

The petitioner seeks pre-arrest bail in connection with Special Case No.7 of 2018 arising out of CBI/ACB Patna Case No.RC 22/A of 2018 registered under Sections 13(1)(b) of the Prevention of Corruption Amendment Act, 1988 and Section 109 of the Indian Penal Code.

It is submitted by Mr. N.K. Agrawal, learned senior advocate appearing for the petitioner that the petitioner is running a Boutique and is also engaged in the work of stitching clothes. She is also running a centre for ladies, who all are engaged in stitching work. In course of investigation, she has fully co-operated with the investigating officer and has shown her Boutique Centre and also produced her Income tax return which she has filed, but unfortunately, the investigating officer has disbelieved her version. He contended that in her Income tax return, she has shown her net income after deduction as 25,85,867/- for the period 2011-12 to 2018-19 and has paid proper tax to the government. Lastly, he contended that the implication of the petitioner is merely on the ground that she has abetted the commission of the offence by her husband. He contended that in order to prove the charge of abetment, the prosecution is required to prove that the abettor had instigated for doing a particular thing or engaged one or more persons in any conspiracy for doing that thing or intentionally aided by an act of illegal omission for doing that thing.

Per contra, Mr. Bipin Kumar Sinha, learned standing counsel appearing for the CBI submitted that the husband of the petitioner while being posted in different capacities under the Head Post Office, Nawada had acquired and is in possessions of the assets, which were disproportionate to his known sources of income. He could not satisfactorily account for the properties acquired between the period June, 2006 and December, 2018. During that period, he had received total income of Rs.29,00,000/- from his salary, Rs.12,00000/- from agriculture and Rs.3,60,360/- from mortgage/sale of land. His total saving during that period was of Rs.34,94,360/-. The total asset acquired by him in his name and in the name of his wife was approximately Rs.1,20,27,000/-. He contended that the disproportionate assets have been computed as Rs.85,32,640/-.

In reply, Mr. Agrawal submitted that as far as the petitioner is concerned, there is no evidence that she was instrumental in abetting the offence in any manner. He contended that the petitioner is a lady having no criminal antecedent and having got roots in the society, she is not likely to abscond or tamper with the evidence.

Regard being had to the nature of allegation and the submissions advanced on behalf of the parties, since custodial interrogation of the petitioner is not warranted, she is directed to be released on bail, in the event of her arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, CBI-II, Patna in connection with Special Case No.7 of 2018 arising out of CBI/ACB Patna

Case No. RC 22(A) of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be sent to Mr. Amresh Kumar Sinha, learned counsel for the petitioner also on his email.

(v) Let steps be taken by the Sr. Secretary/registry for up loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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