

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21145 of 2021

Arising Out of PS. Case No.-3 Year-2016 Thana- C.B.I CASE District- Patna

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ARUN KUMAR S/O LATE RAJENDRA CHAUDHARY RESIDENT OF
MOHALLA-JADUA, NEAR MAMU BHANJHA KA MAZAR, P.S-
HAZIPUR DISTRICT- VAISHALI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. UNION OF INDIA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the Opposite Party/s	:	Mr. Bipin Kumar Sinha, Advocate
For State	:	Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 21-12-2021 Heard Sri Sanjeev Ranjan, learned counsel appearing on behalf of the petitioner, Sri Bipin Kumar Sinha learned counsel appearing on behalf of C.B.I. and Md. Matloob Rab learned APP appearing on behalf of the State.

Petitioner who is in custody since 19.10.2020 seeks regular bail in connection with Special Case No. 01 of 2016 read with R/C Case No. 03(A) of 2016 registered for offences punishable under Sections 13(2) r/w 13(i)(e) of the Prevention of Corruption Act, 1988.

Prosecution case in brief is that the petitioner while posted as Junior Engineer, CPWD, Purnea was found in possession of assets which are disproportionate to his known



source of income which the petitioner cannot satisfactorily amount for. The check period of the instant case was taken to be from 01.01.2012 to 31.12.2014. It was further alleged that at the beginning of the check period, the petitioner had no landed property in his name but during the check period, he acquired and possessed immovable assets in the shape of five plots of land in Darbhanga in his name worth Rs.11,53,043/- It was further alleged that during the said period, the only source of income of the accused-petitioner was income from his salary, which amounted to Rs.8,20,000/-. Thus, during the check period, his likely saving was computed to be Rs.8,20,000/- - Rs.2,70,600/- = Rs.5,49,400/-. After deducting savings from the cost of assets acquired and possessed by the period during the period, the D.A. acquired and possessed by him was shown to be Rs.11,53,043/- - Rs.5,49,400/- = Rs.6,03,643/which the petitioner cannot satisfactorily account for.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent, committed no offence and has one criminal antecedent in the form of Mahila P.S. Case No. 72/2014 under Section 323, 307, 498A/34 I.P.C. and $\frac{3}{4}$ of the Dowry Prohibition Act in which the petitioner has been granted bail. It is further submitted that there is a mistake in



calculation of his properties and the properties for which payment was made prior to 2012 was not considered and has been shown as acquired property during the check period, i.e. 2012-2013. Thus, no case, as such, under the P.C. Act is made out. It is further submitted that charges have already been framed and since last three dates, no witness has been examined by the prosecution. It is further submitted that there is no provision of law which allows pre-trial detention. It is further submitted that as the case is now fixed for trial, no useful purpose would be served by getting the petitioner-accused behind the bars.

Learned counsel for C.B.I submits that the investigation is complete in Disproportionate Asset Case.

Considering the fact that investigation is complete, let the petitioner above named, be released on 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 learned Special Judge, C.B.I. III, Patna in connection with Special Case No. 01 of 2016 read with R/C Case No. 03(A) of 2016/ subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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