

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18272 of 2021

Arising Out of PS. Case No.-6 Year-2017 Thana- VIGILANCE District- Patna

PARMANAND CHOUDHARY, aged about 66 years, Male, S/O Late Bhakti Choudhary, R/o village- Kanhaiyachak, P.O.- Kanhaiyachk, P.S.- Parbatta, District- Khagaria, Bihar, 851216.

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Station House Officer, Vigilance Investigation Bureau, 6, Circular Road, Patna, Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate and Mr. Manish Kumar No 13, Advocate.
For the Vigilance	:	Mr. Arvind Kumar, Advocate.
For the State	:	Mr. Umanath Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 3 21-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned senior counsel for the petitioner, learned counsel for the Vigilance and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection



with Special Case No. 04 of 2017, corresponding to Vigilance Case No. 06 of 2017 for the offence registered under Section 13(2) read with 13(i)(e) of Prevention of Corruption Act, 1988.

The prosecution case, in brief, is that one Alok Kumar was in service of Bihar Government since 10.03.1999 after selection from Bihar Public Service Commission on the post of Deputy Collector. It is said that Alok Kumar was posted as Special Land Acquisition Officer at Jamui, since March, 2015. It is said that on the secret information against Alok Kumar, a preliminary inquiry was conducted in which it was found that he has disproportionate assets worth Rs. 2,22,21,855/-. Therefore, F.I.R. under Section 13(2) r/w 13(i)(e) of the P.C. Act and 109 and 120(B) of the I.P.C. has been registered. After investigation, the charge- sheet dated 18.10.2015 was filed against Mani Devi, her husband Alok Kumar, mother-in-law Sumita Sinha, brother-in-law and sister-in-law of Alok Kumar and one Parmanand Choudhary (petitioner) with allegation that the co-accused Alok Kumar has disproportionate asset worth Rs. 5,98,48,323/- and this petitioner and other co-accused are in cahoots/abetted in amassing ill gotten wealth by co-accused Alok Kumar.

It has been submitted by learned senior counsel for the petitioner that the petitioner has got no criminal antecedent.



He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per the prosecution case, a raid was conducted in the house of one Alok Kumar who happened to be the Deputy Collector-cum-Land Acquisition Officer and it was found that disproportionate assets of Rs. 5,98,48,323/- was amassed by him. There were investments on the name of the petitioner also to the tune of Rs. 22,11,596/- and for the said reason, the petitioner has been made accused in the present case. Similar investments were found on the name of other accused persons also in the present case. It has further been submitted that the petitioner had no knowledge regarding such investments being made on his name. It is further submitted that the petitioner is ready to deposit an amount of Rs. 5,00,000/- (Rupees Five Lacs) in the learned court below which shall be subject to final disposal of the case.

On behalf of the learned counsels for the Vigilance and the State, it has been submitted that the petitioner is named in the F.I.R. and there has been investment made by co-accused in favour of the petitioner.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail



application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 5,00,000/- (Rupees Five Lacs) in the learned court below which shall be subject to final disposal of the case. On doing so, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, Vigilance, Patna, in connection with Special Case No. 04 of 2017, corresponding to Vigilance Case No. 06 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection



with the aforesaid case.

It is further directed that the petitioner shall co-operate during the investigation and trial. If the court finds that the petitioner is not co-operating during the pendency of the trial, the learned court below will be at liberty to cancel the bail bond of the petitioner without referring the matter to the High Court.

(Sudhir Singh, J)

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