IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17457 of 2022

Arising Out of PS. Case No.-69 Year-2013 Thana- C.B.I CASE District- Muzaffarpur

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1. Malti Devi Wife of Sri Nandu Thakur Resident of Village - Raksa, P.S.- Karja, District - Muzaffarpur, Pin Code - 843109 (Bihar).
2. Nandu Thakur Son of Late Bhikhari Thakur Resident of Village - Raksa, P.S.- Karja, District - Muzaffarpur, Pin Code - 843109 (Bihar).

... ... Petitioner/s

Versus

The Vigilance Department Through I. G. Vigilance, North Bihar. Patna (Bihar).

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Amit Anand
For the Opposite Party/s : Mr.Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-09-2022 Heard both parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 13(2), 13(1)(e) of the Prevention of Corruption Act read with sections 109 and 120(B) of the Indian Penal Code.

It is a case of disproportionate assets.

It is submitted that petitioners have been falsely implicated in this case. During course of investigation it was found that petitioners expenditure is more than their income and the difference of amount comes to Rs. 25 lakhs and odd. It is a matter of calculation. Petitioners have constructed a house which is owned by the petitioner no. 2 and his brothers. The construction cost is Rs. 11 lakhs and odd. One brother of petitioner no. 2 runs a Gents parlour in Muzaffarpur and the income of that parlour is more than Rs. 1,000/- per day. If income of five years is calculated the income comes to more than Rs. 10 lakhs. The brother is issue-less, therefore, entire income comes in the hand of petitioner no. 2. Petitioners have also Dairy business and income from dairy per day comes to Rs. 500/-. It is further submitted that from sale of truck is Rs. 4 lakhs. Petitioners purchased two tractors on loan which were given on hire. There is also income from agriculture sources. All the sources of income show that petitioners had income more than Rs. 25 lakhs in five years. The Vigilance Department did not take into account the other sources of income of petitioners which is apparent from the FIR and it is alleged that petitioners have income of Rs. 10,80,000/-. After investigation, the Vigilance Department evasively enhances the amount to Rs. 25 lakhs and odd which is shown in the chargesheet.

Counsel for informant however, vehemently opposed the prayer for bail and submitted that from the enquiry conducted by the Vigilance Department the allegation was found to be *prima facie* true and accordingly, Vigilance PS Case No. 69 of 2013 under Section 13(2) read with 13(1)(e) of the

Prevention of Corruption Act and section 109/120(B) of the Indian Penal Code was registered against petitioner no. 1 and after completion of investigation chargesheet no. 40 of 2019 under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act and section 109/120(B) of the Indian Penal Code was submitted against petitioners. It is further submitted that petitioners have not cooperated in the investigation and case is pending for appearance of the accused since 30.07.2019. Next date for appearance was fixed on 30.07.2022.

Considering the nature of allegation and conduct of petitioners, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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