

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17438 of 2022

Arising Out of PS. Case No.-663 Year-2021 Thana- KUDHNI District- Muzaffarpur

ANIL KUMAR Son of Satya Narayan Singh Resident of Village - P.O. and P.S. - Alauli, District - Khagaria. At present Residing at 402/A, Sagar Apartment, Magistrate Colony, P.O. Khajpura, P.S. Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Vigilance Investigation Bureau, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP
For Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 23-12-2022 Heard learned Senior counsel for the petitioner and learned counsel for the Vigilance Department through video conferencing.

The instant application has been filed for grant of regular bail in a case registered under section 424 of the Indian Penal Code and section 13(1)(B) of the Prevention of Corruption Act, 1988.

As per the prosecution case, on search/checking of the vehicle in which the petitioner was travelling, it is stated that a total of Rs. 18 lacs in cash was recovered. Subsequently on the house (rented premises) of the petitioner being searched further



amount of Rs. 49 lacs in cash besides other articles as mentioned in the FIR was recovered.

It is submitted by learned Senior counsel appearing for the petitioner that the petitioner who was an Executive Engineer has been falsely implicated in the case. The information with respect to amount recovered was given by the police authorities to the Income Tax Department. Referring to the contents of the order of the learned trial Court rejecting the application for bail of the petitioner it is submitted that the petitioner was released on PR bond. He was fully cooperating with the police investigation team as also with the income tax authorities which would be evident from the fact that he continued to appear in the Income Tax Department as also before the Deputy Superintendent of Police and Assistant Superintendent of Police (West Muzaffarpur) on several occasions, as and when directed. It was submitted that in spite of full cooperation, the petitioner was illegally arrested on 14.2.2022 and remanded in this case. Charge-sheet has been submitted. It is further submitted that departmental proceeding was also initiated against the petitioner who has since superannuated on 28.2.2022.

The application for bail is opposed by learned counsel



appearing for the Vigilance Department. Learned counsel submits that a counter affidavit has been filed in the case wherein it has been stated that the allegations of recovery of the total amount of Rs. 67 lacs in cash from the vehicle and house of the petitioner are very serious and on investigation, case has been found to be true and charge-sheet has been submitted. It is further submitted that departmental proceeding has also been initiated by the parent department.

Having heard learned counsel for the parties and on going through the material on record it transpires from the contents of the order of the learned trial Court rejecting the application for bail of the petitioner that the petitioner was cooperating in the investigation and was regularly appearing before the police authorities as also before the authorities of the Income Tax Department, as and when directed. The investigation has since concluded with submission of the charge-sheet as also stated in the counter affidavit filed by the Vigilance Department. There is also no averment in the counter affidavit of the Vigilance Department that the petitioner was not cooperating in the investigation.

Having heard learned counsel for the parties and taking into consideration the nature of allegations, the



investigation in the case having concluded with submission of charge-sheet together with the petitioner having remained in custody for more than 10 months since 14.2.2022, the petitioner is directed to be enlarged on bail in connection with Kudhani P.S. Case no. 663 of 2021 (Special Case no. 23 of 2021) 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 Special Judge Vigilance (North Bihar), Muzaffarpur.

(Partha Sarthy, J)

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