

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47804 of 2021**

Arising Out of PS. Case No.-5 Year-2017 Thana- VIGILANCE District- Patna

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DHANESHWAR KUMAR SINGH S/o- PANCHAM SINGH Resident of
Mohalla Anishabad, Police Station- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Bihar, Patna.
Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28932 of 2021

Arising Out of PS. Case No.-5 Year-2017 Thana- VIGILANCE District- Patna

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ARCHANA SINGH W/o DHANESHWAR SINGH Resident of Village -
Anishabad, P.S.- Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE INVESTIGATION
BUREAU, BIHAR, PATNA Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 47804 of 2021)

For the Petitioner/s : Mr.Sanjeev Ranjan

For the Opposite Party/s : Mr.Arvind Kumar

(In CRIMINAL MISCELLANEOUS No. 28932 of 2021)

For the Petitioner/s : Mr.Sanjeev Ranjan

For the Opposite Party/s : Mr.Bipin Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

4 17-02-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioners and

learned APP for the State through video conferencing.



The petitioners apprehend their arrest for the offences alleged under Sections 13(2) read with 13(1(e) of the Prevention of Corruption Act, registered in connection with Special Case No.03 of 2017/Vigilance P.S.Case No. 05 of 2017.

The present FIR has been lodged on the basis of a written report of the informant, who is Police Inspector-cum-Inquiry Officer(Vigilance). As per the allegation, the petitioners hoarded disproportionate assets to their known sources of income. The petitioner Dhaneshwar Kumar Singh of Cr.Misc.No.47804 of 2021 was Block Supply Officer, Fatehpur, Gaya. Now he is retired. As per the available evidence collected and the documents (according to the written report), it shows that the petitioner Dhaneshwar Kumar Singh made income through all his valid and known sources of income including salary, income of his wife (the petitioner of Cr.Misc.No.28932 of 2021), through rent of the house, agricultural income and other courses which comes to Rs. 87,64,312/- during the said period and the accused made expenditure of Rs.56,82,938/-, but during the said period, he purchased immovable property in the name of his wife and his two sons worth Rs. 75,78,400/- and invested Rs.24,57,417/- over the movable assets including the deposit/investment in the bank and other financial institutions.



Lastly, it was found that the petitioners were in possession of disproportionate assets worth Rs. 69,54,496/-, which according to the prosecution, the accused had earned by adopting corrupt and illegal means and and by abusing his official position.

The learned counsel for the petitioners has submitted that earlier the bail petition of petitioner of Cr.Misc. No.47804 of 2021 was rejected by this Court vide Cr.Misc. No.19547 of 2017 under order dated 06.07.2017, but while rejecting the anticipatory bail petition, it was observed in that order that the total disproportionate assets were worth Rs. 69,54,496/-, but during investigation this amount has been reduced to Rs.28,68,214/-which shows that most of the amount discussed as disproportionate in the FIR was found valid.

On the other hand, the learned APP has submitted that it is the fairness of the investigation that the real fact which emerges during the course of investigation, have been set forth in the charge-sheet. He has also submitted that despite all the deductions from the valid sources, the petitioners were found in possession of the property worth Rs.28,68,214/- as disproportionate to their known sources of income. He has next submitted that the anticipatory bail petition of petitioner Dhaneshwar Kumar Singh (Cr.Misc. No. 47804 of 2021) has



already been rejected by this Court in the year 2017 and he is evading his surrender before the court below and he filed the second anticipatory bail petition after a lapse of considerable time and even since submission of the charge-sheet, to which the learned counsel for the petitioners has submitted that he filed the second anticipatory bail petition only after one year and three months after submission of the charge sheet.

Considering the above facts and circumstances, in my opinion, it is not a fit case for anticipatory bail. The prayer for anticipatory bail on behalf of petitioners of both the cases is hereby rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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