

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27548 of 2022

Arising Out of PS. Case No.-122 Year-2016 Thana- VIGILANCE District- Patna

Chandra Bhushan Ojha Son of Late Jagarnath Sharma @ Jagarnath Ojha
Resident of Village - Khabra, P.s.- Sadar, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Hemant Kumar, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-06-2022 Heard Mr. Sanjay Singh, learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for anticipatory bail arises out of Special Vigilance Case No. 57 of 2016 in connection with Vigilance P.S. Case No. 122 of 2022, disclosing offence punishable under Sections 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988.

This is second application filed by the petitioner for grant of anticipatory bail as he apprehends his arrest in connection with the aforesaid Vigilance case No. 57 of 2016. His prayer for grant of anticipatory bail was earlier rejected nearly five years ago by an order dated 10.07.2017 with a



direction to the petitioner to surrender before the Court below within a period of four weeks and seek regular bail, if so advised. It was further observed that his application for regular bail shall be considered by the Court below on its own merits without being prejudiced by rejection of the said application for grant of anticipatory bail. The petitioner admittedly defied this Court's order dated 10.07.2017, inasmuch as, he did not surrender before the Court below in compliance of the said order.

Mr. Sanjay Singh, learned Senior Counsel appearing on behalf of the petitioner has argued that the criminal case was instituted against the petitioner with an accusation that the petitioner had acquired assets disproportionate to his all known sources of income to the tune of Rs. 1,82,78,705/-. However, during the course of investigation, with the assistance extended by the petitioner to the investigating agency, the worth of the assets alleged to have been acquired by the petitioner disproportionate to his known sources of income has come down to Rs. 59,00,593/-. He submits that the petitioner is in a position to demonstrate the even the said computation made by the investigating agency is not accurate/correct. He has relied on the Supreme Court's order dated 02.09.2021 passed in Aman



Preet Singh Vs. C.B.I. through Director in Cr. App. No. 929 of 2021 to contend that since the petitioner has extended all cooperation to the investigating agency during the course of investigation and he was never arrested, he may not be taken into custody after conclusion of investigation since charge-sheet has already been submitted. He has also relied on another order of the Supreme Court dated 16.11.2021 passed in Special Leave to Appeal (Crl.) No. 6057 of 2021 (Vinod Kumar Sharma and Anr. Vs. State of Uttar Pradesh and Anr.) to contend that the petitioner can maintain an application for anticipatory bail even after filing of the charge-sheet.

The decisions of Supreme Court in case of Aman Preet Singh (supra) and Vinod Kumar Sharma (supra) are clearly distinguishable in the facts and circumstances of the present case. In this case, the petitioner had earlier approached this Court seeking grant of anticipatory bail which was rejected with a direction to him to surrender before the Court below within four weeks and apply for regular bail. Instead of complying this Court's order, petitioner chose to defy this Court's order dated 10.07.2017 without seeking any modification of the order. The present anticipatory bail application has been filed nearly five years thereafter when



charge-sheet has been submitted by the investigating agency.

In view of the circumstances noted above, I am not inclined to exercise discretion by granting the petitioner privilege of anticipatory bail. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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