

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27387 of 2022

Arising Out of PS. Case No.-1 Year-2016 Thana- VIGILANCE District- Patna

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Kameshwar Prasad Singh, Son Of Late Shankar Singh, R/O- Rajeev Nagar,
Road No. 14, P.S.- Rajeev Nagfar, Dist- Patna

... .. Petitioner/S

Versus

The State Of Bihar Through The Special Vigilance Unit, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik Ms. Namrata Dubey Mr. Pushkar Bhardwaj
For the S.V.U.	:	Mr. Rana Vikram Singh-(Spl. P.P. S.V.U.)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2022 Heard learned counsel for the petitioner and learned
Special Public Prosecutor for the Vigilance.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
13(2) and 13(1)(e) of the Prevention of Corruption Act, 1988.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
(the Superintendent of Police, S.V.U., Patna) alleges that he
received an information that the petitioner, an Assistant
Engineer in Bihar Urban Infrastructure Development Corporation
Limited, Patna is a corrupt officer and has amassed huge assets
through corrupt means which are disproportionate to his known
sources of income.



It is next alleged that after inquiring into the assets acquired by the petitioner and his wife, the authority came to a conclusion that the likely saving of the petitioner is Rs.87,70,000/- and he has in possession of total asset worth Rs.1,62,66,000/- in his name or in the name of his wife Smt. Manju Singh which are disproportionate to the extent of Rs.74,96,000/- to his known sources of income.

The learned counsel for the petitioner has made elaborate submission and has submitted that the authority while calculating the income and expenditure of the petitioner has also taken into consideration such income, which are not individual to the petitioner or his wife. The learned counsel thereafter submits that the F.I.R. was instituted on 03.08.2016, charge-sheet came to be submitted on 09.11.2020, as such, in between 03.08.2016 to 09.11.2020, the petitioner never shrieked from the investigation rather cooperated with the investigating agency. It is next submitted that the vigilance during the course of investigation never intended to arrest the petitioner as petitioner all along was cooperating with the vigilance. It is next submitted that on 06.03.2021, cognizance was taken under Sections 13(2) and 13(1)(e) of the P.C. Act read with Section 193 of the I.P.C. and thereafter on 11.05.2022, non-bailable warrant of arrest has



been issued, as such, the petitioner apprehends his arrest.

The learned counsel next submits that since the vigilance during the course of investigation did not arrest the petitioner which prima facie goes to demonstrate that the vigilance authority were satisfied that the petitioner has not concealed any material for which his custody was required. It is next submitted that the entire case is based on documentary evidence and since charge-sheet has been submitted, as such, there is absolutely no chance of the petitioner to tampering with the evidence.

The learned Special Public Prosecutor for the Vigilance opposes the anticipatory bail application, but very fairly submits that the investigating authority during the course of investigation did not arrest the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that that petitioner was not arrested during the course of investigation, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Special Case No.40 of 2016 arising out of S.V.U. P. S. Case No.01 of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, in the event, if the learned Court below comes to a conclusion that the petitioner after his release on anticipatory bail is trying to delay the trial in any manner, the learned Court below shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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