

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39726 of 2021

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

PHULPARI DEVI Wife of Late Shankar Singh Resident of Village -
Kohargarh, P.S. - Ekma, District - Saran.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Opposite Party/s : Mr. Anil Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-06-2022 Heard learned counsel for the petitioner and

learned APP for the State along with counsel for the vigilance.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

At the very outset, it is submitted by petitioner's
counsel that due to inadvertent typographical error Section 109
IPC has wrongly been printed as Section 193 of the IPC in
paragraph 23 of the application.

Based on such submission, this Court would allow
the petitioner's counsel to correct the mistake in the file during
the course of the day.

Petitioner is apprehending his arrest in connection
with Special Case No. 40 of 2016 arising out of S.V.U. P.S.



Case No. 01/2016 registered under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988.

The prosecution case alleges that instant petitioner's son who was a government servant, has amassed wealth disproportionate to his known sources of income. The allegation is of having assets and incurring expenditures in excess of his known sources of income by including the interest and expenses of his wife, two daughters and one son. It is, during the course of the investigation that based on some amounts being credited to the account of petitioner's son by the petitioner through banking transactions and on certain deposits made by the petitioner in his own account, that she has also been made an accused in the instant case.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. In the investigation, her implication has been founded on the discovery of the various incomes being received by the petitioner from her agricultural holdings, family pension received after the demise of her husband who was a teacher and also other incomes which she gets from an NGO, where she became president after the demise of her husband. The various incomes are sought to be justified by the petitioner's counsel by enclosing rent receipts and



certificates of income issued by the authorities. It is also submitted that merely because the petitioner happens to be mother of the government servant, she has been made an accused. Being a female, it is stated that she is aged about 83 years old and, accordingly, it is submitted that the nature/gravity of allegations, in respect of the petitioner, is not of the nature which would disentitle her to grant of anticipatory bail. She has no criminal antecedents, and being an old lady is suffering from heart disease, and there is no possibility of her fleeing away from justice. The allegations are also stated to be unfounded and merely based on suspicion arising out of her relation with the government servant.

Learned counsel for the vigilance has opposed the prayer for bail. He has submitted that petitioner also has made deposits in the account of the accused government servant and has incomes which are under investigation in the instant case.

Having regard to the rival submissions, this Court would take notice of the advance age of the petitioner (female) being aged about 83 years old, also the fact that the counsel for the vigilance has not been able to point out that there is any material in the investigation as of now to justify that the petitioner is likely to flee away from justice. Also she has no



criminal antecedents. In these circumstances, this Court is inclined to allow the prayer for anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in Special Case No. 40 of 2016 arising out of S.V.U. P.S. Case No. 01/2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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