

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42076 of 2021**

Arising Out of PS. Case No.-4 Year-2014 Thana- VIGILANCE District- Patna

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DIGAMBAR PRASAD TIWARI @ DIGAMBAR PRASAD TIWARY Son of  
Tarni Prasad Resident of Road No. -3 Mohalla- Indira Nagar, Postal Park,  
P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Station House Officer, Special Vigilance Unit Police Station- 5, Daroga  
Rai Path Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                        |
|--------------------------|---|--------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Y. V. Giri, Sr. advocate<br>Mr. Manish Kumar No 13 |
| For the Opposite Party/s | : | Mr.Mithlesh Kumar Khare                                |
| For the S. V. U.         | : | Mr. Rana Vikra Singh, Spl. P. P., S.V. U.              |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

11     12-09-2022                      Heard Mr. Y.V. Giri, learned Senior Advocate for the  
  
petitioner and Mr. Rana Vikram Singh for the Vigilance  
  
Department. The State is represented by Mr. Mithilesh Kumar  
  
Khare, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest  
in connection with Patna Special Vigilance Unit (S.V.U.) P.S.  
Case No. 04 of 2014 dated 22.12.2014 corresponding to Special  
Case No. 83 of 2014 instituted for the offences under Sections  
13(2) read with 13(1)(e) of the Prevention of Corruption Act in  
which charge sheet has been submitted under Sections 120(B) of  
the Indian Penal Code and under Sections 13(2) read with 13(1)



(e) of the Prevention of Corruption Act, 1988.

The petitioner is alleged to have amassed property worth Rs. 1.27 crore which is disproportionate to his known sources of income. The calculation made by the Vigilance Department indicates that the petitioner had received total salary of Rs. 70 lakhs over a period of 32 years that he was in service and after deducting 35% towards the household expenses, Rs. 40 lakhs is the amount which is taken as the base value for calculation of the property which is disproportionate to his known source of income.

The learned Sr. counsel for the petitioner has pointed out that the very premise of initiating prosecution against the petitioner under the DA case is incorrect as he has received a salary of Rs. One Crore, three lakhs over a period of 32 years.

The petitioner had joined as an Assistant Sales Tax Officer in the year 1982 and has superannuated from the post of Joint Commissioner, Sales Tax on 31.12.2014. Shortly before he superannuated, the subject FIR was registered.

Learned counsel for the petitioner has further submitted that he had given his explanation upfront about his property but ignoring everything, charge-sheet has now been submitted against the petitioner on 09.11.2020. Although the



income of petitioner and his wife has been wrongly calculated yet the figure arose is much more than said FIR but still somehow charge sheet wrongly show asset of the petitioner Rs. 12758937/-. The petitioner has fully co-operated in the investigation and there is no allegation against him of tampering with evidence.

However, Mr. Rana Vikram Singh, learned Special P.P., S.V.U vehemently opposes the prayer for anticipatory bail and submits that though, in the F.I.R., the alleged disproportionate amount is Rs. 43,41,095/-, but after investigation, the said amount was found to be Rs. 1.27 crore. There is documentary evidence against this petitioner on the basis of which charge sheet has been submitted against the petitioner.

Considering the nature of accusation and the fact that charge sheet has already been submitted on 09.11.2020 and custodial interrogation of petitioner is no more required, the provisional bail, granted to the petitioner vide order dated 28.01.2022 passed by a coordinate Bench of this Court, is hereby confirmed, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The petition is allowed.

The petitioner shall remain on same bail-bond

**(Prabhat Kumar Singh, J)**

BKS/-

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