

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62712 of 2021

Arising Out of PS. Case No.-37 Year-2015 Thana- VIGILANCE District- Patna

PHULPARI KUMARI Wife of Yogendra Kumar Madhup Resident of Gayatri Nagar, Vishunpur Pakari, P.S. - Phulwari , District - Patna.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 18-07-2022 Heard learned senior counsel for the petitioner and learned counsel for the Vigilance Investigation Bureau.

The petitioner apprehends her arrest in Special Case No. 20 of 2015, arising out of Vigilance P.S. Case No. 37 of 2015, registered for the offence under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act.

On search of house of petitioner, total assets and expenditures of petitioner was found to the tune of Rs. 33,38,440/-, while her total income was found to be only Rs. 20,66,747/-. Therefore, the D.A. (Disproportionate Assets) of petitioner was calculated to be Rs. 12,71,693/-.

It is submitted on behalf of petitioner that the investigating officer has not rightly calculated the income and



expenditure of the petitioner and the asset of petitioner is within ten percent. It is further submitted that petitioner has already been removed from the service on 10.12.2014 and sanction for the same has already been granted. Chargesheet has been submitted.

However, learned counsel for the Vigilance Investigation Bureau has vehemently opposed the prayer for anticipatory bail of petitioner and submitted that this petitioner has been found in possession of Rs. 12.71,693/- disproportionate to the known sources of her legal income and moreover, this petitioner was caught red-handed by the Vigilance team while receiving bribe of Rs. 40,000/-.

Considering the fact that chargesheet has already been submitted and custodial interrogation of petitioner is no more required, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No. 20 of 2015, arising out of Vigilance P.S. Case No. 37 of 2015, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure



with further conditions that:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on her absence on two consecutive dates without sufficient reason, her bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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