

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19169 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- VIGILANCE District- Patna

ADITYA KUMAR S/O SUNDERPAL Residence of 626/8, Subhash Nagar,
P.S.- Civil Line, District Meerut (U.P.), Presently residing B- 505, Vasikunj
Apartment, Saguna More, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH SPECIAL VIGILANCE UNIT,
PATNA. BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate Ms. Priya Gupta, Advocate Mr. Mohit Agarwal, Advocate Mr. Rahul Kumar, Advocate Mr. Lokesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Rana Vikram, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 18-08-2023 1. Heard learned Senior counsel for the petitioner, Mr. S.D. Sanjay and learned Special P.P. appearing for the Special Vigilance Unit, Mr. Rana Vikram.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 13(1)(b), 13(2) and 12 of the P.C. Act, 1988 and under Section 120(B) of the Indian Penal Code.
3. The learned Senior counsel for the petitioner submits that petitioner has antecedent of two cases and the informant alleges that while the petitioner was working as S.S.P. in different districts of Bihar, remained a corrupt Officer and



during the check period from 2011-2012, till date he has illegally acquired huge assests by corrupt and illegal means either in his own name or in the name of his dependents to the extent of Rs. 1,37,18,114/- which is over and above his legitimate source of income. It is next alleged that the income of the petitioner from the lawful sources like net salary, bank loan and income from other sources is around Rs. 1,05,00,000/- and the likely saving of petitioner as per rules should be to the extent of Rs. 26,77,699/-. It is further alleged that the petitioner has acquired movable and immovable property at Patna, Ghaziabad and Meerut in connivance with his relatives, the value of which has been computed to the extent of Rs. 1,63,95,813/- including the Benami transaction. Thus, based on the said allegation, the present F.I.R. has been instituted.

4. The learned Senior counsel for the petitioner, at the outset, submits that the petitioner is innocent and has been falsely implicated in the present case, it is next submitted that whatever property of the petitioner has been seized is already declared with the Government and in his Income Tax Return, it is asserted and submitted that not a single property which is under scanner is not disclosed. It is further submitted that petitioner prior to joining the I.P.S., was an Engineer and was



working and belongs to a good family. It is thus submitted that the property so seized is duly accounted. It is further submitted that the present false case came to be instituted at the instance of the then D.G.P. of Bihar, who for some personal reason was against the petitioner.

5. It is further submitted that the petitioner joined as a probationer on the post of Assistant Superintendent of Police in the District of Rohtas in January, 2013 and thereafter he served in many districts of Bihar on different posts. It is next submitted that he worked honestly, efficiently and acted as fully dedicated Officer to his job and during his service did several commendable jobs and effective policing and even fought the *Naxalites*.

6. It is next submitted that the graph of the petitioner in service was increasing gradually which was not liked by many of the Senior Officers and they became jealous of the petitioner. It is further submitted that during the tenure when the petitioner was the S.S.P., Gaya at that time one I.P.S. was posted as I.G. Police Magadh Range and number of S.H.Os of different police stations had become very close to the I.G and were directly reporting to him and thus were bypassing the instructions being issued by the petitioner and when the



petitioner made complaints of some of the S.H.Os to the I.G., he realized that his complaints are being ignored.

7. The learned Senior counsel next submits that certain properties which were acquired by the petitioner prior to his joining the I.P.S. have also been included in the present case, as would be evident from *Para-5* of the supplementary affidavit, it is next submitted that the petitioner had also declared all his property with the Government as mandated under the law as would be evident from *Annexure-12* to the supplementary affidavit.

8. The learned Senior counsel for the petitioner next submits that this case was taken up on 23.06.2023, when interim protection was granted to the petitioner and it was during the period of interim protection, the petitioner had participated in the investigation and had answered the questions raised by the Investigating Officer of the case, it is also submitted that the S.V.U. on 20.06.2023, had handed over the keys of the flat of the petitioner situated at Vasikunj Apartment, Saguna More, Patna, also and he was asked to open the locker which was under seizure of S.V.U. and upon opening the locker before the authorities of S.V.U., nothing was found for which a memorandum to that effect was also prepared by the



Investigating Officer dated 17.07.2023. The learned Senior counsel next submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth and proving his innocence.

9. Learned Special P.P. appearing for the S.V.U vehemently opposes the prayer for anticipatory bail of the petitioner, but is not in a position to rebut the submissions of the learned Senior counsel for the petitioner for the present that the properties so seized by the S.V.U. have been accounted in government records as well as in his return filed with the income tax and also the fact that certain properties acquired by the petitioner before becoming an I.P.S. Officer have also been included.

10. Considering the submissions made by the learned Senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Special



Vigilance Unit P.S. Case No. 16 of 2022 corresponding to Special Vigilance Case No. 79 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when called for, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

12. Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

13. At this stage, the learned counsel appearing for the S.V.U. submits that no doubt the properties have been disclosed with the government and the income tax but whether the properties have been acquired through lawful source or not is an issue which is under investigation.

(Satyavrat Verma, J)

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