

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29040 of 2023

Arising Out of PS. Case No.-9 Year-2020 Thana- VIGILANCE District- Patna

Meera Devi Wife of Sri Dilip Singh Resident of village - Dharhara Kala, P.S.
- Amnaur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Mishra
For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-08-2023 Heard learned counsel for the petitioner and the

State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 13(2)/13(1) of the Prevention of Corruption Act.

3. As per the allegation, husband of the informant Dilip Singh Mukhiya of Gram Panchayat Raj Dharhara PS- Amnor, District-Saran (Chapra) purchased some movable and immovable property in his own name and in the name of his wife. The total income from agriculture is Rs. 5,55,000/- + given by the government Rs. 97,700/- as per the statement given by him at the time of nomination, deposit in bank as cash in hand is Rs. 1,45,000/-, total Rs. 7,92,790/-. It is further alleged that the accused Dilip Singh purchased movable and immovable



property of expenses Rs. 29,85,398/- total comes to Rs. 21,92,698/- therefore, he earns expenses of Rs. 21,92,698/-.

4. It is submitted by the counsel for petitioner that the initially FIR was lodged against Dilip Singh husband of the petitioner. Petitioner is not named in the FIR. Her name is added by the Investigating Officer and submitted his final report under Section 109, 120(B) of the Indian Penal Code and under Sections 13(2) read with Section 13(1)(b) of the Prevention of Corruption Act. It is submitted that agriculture income from the period 2006 to 10.06.2020, is Rs. 2,84,092/- only, but that income is agricultural income of purchased land in the name of accused Dilip Singh. Dilip Singh husband of petitioner at the time of nomination in the year 2006 for the post of Mukhiya has given information with affidavit that he has got 02 acres of share. In second time in the year 2011 at the time of nomination for the post of Mukhiya has given information with affidavit that he has got 2.5 acres of land as per his share. The agricultural income verified by the IO from CO Amnour is khatiyani land of 8 acres which is in the name of grandfather of the accused Dilip Singh which is also the source of his agricultural income. The CO after verification also reported that informant of accused Dilip Singh is 2,00,000/- (two lakhs) per



year. So as per that report income from agriculture is not less than between the year 2006 to 10.06.2020 Rs. 28,00,000/-, but his parental land income was not added in the income part of accused in this case. As per chargesheet expense of tractor maintenance and diesel cost is Rs. 4,20,700/-, but no income from tractor was added in the income of petitioner family, income from tractor is not less than Rs. 10,00,000/- in that period. It is further submitted that father-in-law of this petitioner namely, Sri Nandu Singh was in service in BSF from 18.09.1968 to 31.03.2009, after retirement he is pension holder and he lives with petitioner family due to which her sons used to give money to the husband of petitioner through his account and that is not added in the income of petitioner's husband. Even the income from sugarcane supply has not been added in the name of this petitioner and income of father-in-law also not added and without proper calculation the land registered in the name of this petitioner is considered to be disproportionate. In several orders passed by the Supreme Court and High Court, directed for separation of properties of wife and other family members, if by evidence they were able to prove their known source of income was proportionate to the property acquired. At no point of time petitioner was holding any office of the government and in view



of her independent income from agriculture calculated in the name of petitioner cannot be said to be property. Lastly it is submitted that charge-sheet has already been submitted. There is no tampering with the evidence or absconding.

5. Counsel for Vigilance by filing counter affidavit has submitted that as per the allegation Dilip Singh, the then Mukhiya has assets disproportionate to his legal source of income. Therefore, a Vigilance PS Case No. 09 of 2020 dated 29.05.2020 under Section 13(2) read with 13(1)(b) of the Prevention of Corruption Act, was registered against Dilip Singh. It is further submitted that during course of investigation, it has come that during check period from May 2006 to 10.06.2020 the total income of Dilip Singh was found to be Rs. 8,91,283/- while his assets and expenditure were found to Rs. 25,29,418/- therefore, DA comes to the tune of Rs. 16,38,135/-. It is further come that Dilip Singh purchased assets in his name and also in the name of his wife Meera Devi (petitioner), but they have not disclosed the legal source of income the said properties have been acquired in their name. Petitioner has not given any reliable documentary evidence regarding acquisition of money or property from her father. The Investigating Officer has given full opportunity to the accused and this petitioner as



well as his family members for giving their defence statement regarding acquisition of assets from legal source of income. Petitioner is only a housewife and she does not have any legal source of income. However, accused Dilip Singh has invested Rs. 2,35,222/- in three joint accounts which are in the name of his wife Meera Devi (petitioner) and his family members. It is further submitted that IO of this case has investigated this case from each and every point of view, thereafter he has calculated income and expenditures as per the reliable evidence and document found during course of investigation. It is further submitted that after lapse of more than two years from the date of submission of charge-sheet, petitioner has filed anticipatory bail petition before the court of learned Special Judge Vigilance, Muzaffarpur.

6. Considering the rival submission of the parties, material available on the record and the fact that chargesheet has already been submitted, the petitioner above-named, in the event of her arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned Special Judge,



Vigilance, North Bihar, Muzaffarpur in connection with
Vigilance P.S. Case No. 09 of 2020 corresponding to Special
Case No. 13 of 2020, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure with
further condition:-

(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.

(Prabhat Kumar Singh, J)

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