

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31009 of 2022

Arising Out of PS. Case No.-5 Year-2017 Thana- VIGILANCE District- Patna

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Dhaneshwar Kumar Singh Son Of Late Pancham Singh Resident Of Mohalla-
Anishabad, P.S- Gardanibagh , Dist- Patna

... .. Petitioner/s

Versus

The Vigilance Investigation Bureau , Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opp.Party/ Vigilance:		Mr. Archana Palkar Khopde

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-01-2023 Heard learned counsel for the petitioner and learned
counsel for the Vigilance in the virtual court proceeding.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 13(2) read with 13(1)(E) of
the Prevention of Corruption Act, 1988.

According to prosecution case, the petitioner has
collected huge disproportionate property from his known source
of income by abusing his official position and also purchased
number of immoveable property in the name of his family
members and constructed a four storied building. It is also stated



that after calculation of his income and expenditure and other investments, it is alleged that petitioner has Rs. 69,54,496/- as disproportionate asset after abusing his official position.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it is clear that there were no disproportionate asset acquired by the petitioner beyond known source of his income rather his income should be exceeded.

The total income of the petitioner and his wife comes to Rs. 1,86,7098 whereas, the total expenditure of the petitioner and his wife comes to Rs. 1,44,88,974 and thereafter, Rs. 41,89,124/- was excess during check period. He further submits that previously the petitioner was made accused in Shastrinagar P.S. Case No. 435 of 2016 and he was acquitted by the court below itself. He further submits that the vigilance in his counter affidavit, particularly in paragraph no. 11 accepted that the alleged income of the petitioner was found to be exaggerated and it was not found to be genuine agricultural income by the investigating officer. He further submits that the petitioner is superannuated from the service with effect from 31.01.2017. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody



since 23.02.2022.

The learned counsel for the Vigilance has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, be released 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 Court below where the case is pending in connection with Vigilance P.S. Case No. 05 of 2017 (Special Case No. 03 of 2017), subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his 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.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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