

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31003 of 2023

Arising Out of PS. Case No.-57 Year-2016 Thana- VIGILANCE District- Patna

1. Suresh Paswan S/O Ramai Paswan Resident Of Village- Gaure, P.S.- Pipra, District- East Champaran
2. Sangita Devi Wife Of Suresh Paswan Resident Of Village- Gaure, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar Through The Vigilance, Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul
		Mr. Anuj Kumar
For the Opposite Party/s	:	Mr. Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the vigilance.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 109, 120-B of the Indian Penal Code and Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act.

3. As per the prosecution case, it is alleged that the petitioner, Suresh Paswan, has misused his post in earning assets in his own name and in the names of the family members. It is further alleged that in the course of enquiry in between the year 2006 to June 2012, total income from known sources have been found to be Rs. 7,60,000/- of his family. The informant further



alleged that on enquiry total expenses of the petitioners are Rs. 36,05,326. the said amounts have been collected and spent by misusing the post of Mukhiya during his region 2006 to 2012.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. He further relies upon the judgment of Hon'ble Apex Court passed in the case of *Mahdoom Bava vs. Central Bureau of Investigation* reported in **2023 SCC Online SC 299**. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the vigilance opposed prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, argument of the parties and the judgment of *Mahdoom Bava* (supra), let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is



pending/successor Court in connection with Vigilance P.S. Case No.57 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioners are directed to cooperate in the in the trial and shall not tamper with the evidence and, if the petitioners will not appear on two subsequent fixed date, then the learned counsel for the vigilance would be at liberty to file the application for cancellation of their bail.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

