

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33517 of 2023

Arising Out of PS. Case No.-8 Year-2021 Thana- VIGILANCE District- Patna

Sanjula Tiwari W/O Dhananjay Mani Tiwary R/O Village- Malviya Nagar,
P.S- Mahdeva OP Siwan, Distt.- Siwan, Mob No. 9572430616.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Department, Govt. of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr.Adv.
Mr. Sumit Shekhar Pandey

For the Opposite Party/s : Mr. Sanjay Kr. Choubey
Mr.Arvind Kumar, Advocate for Vigilance Dept.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 28-07-2023 Heard Mr. Bindhyachal Singh, learned senior counsel
for the petitioner and Mr. Arvind Kumar, learned counsel for the
Vigilance Department.

2. The petitioner apprehends her arrest in a case
registered for the offence under Sections 109 & 120(B) of the
Indian Penal Code and Sections 13(2), 13(1)(e) of the
Prevention of Corruption Act, 1988 as well as Sections 13(2),
13(1)(B) of Prevention of Corruption Act (Amended 2018).

3. As per report of informant namely Sri Surendra
Kumar Mauar, Dy.S.P. Vigilance Investigation Bureau, Patna, an
information was received against the husband of petitioner Sri
Dhananjay Mani Tiwary, the then District Engineer, Zila
Parishad Office, Siwan for amassing disproportionate property
more than the known source of his income. It was elaborated



that the husband of petitioner has earned a sum of Rs. 1,55,55,524/- in excess against his known source of income. On that basis, a raid was conducted by the Vigilance Department in the house of petitioner on 21.02.2021 and it was found that 22 immovable properties have been purchased in the name of petitioner besides other properties.

4. It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. Petitioner has own source of income. She is earning a sum of Rs. 6,67,326/- per year through agriculture. Besides this, petitioner is owner of a truck, bearing registration no. BR01G8115G, by which, petitioner earns Rs. 3,50,000/- per year, and she (petitioner) has income from her tuition and house rent. Therefore, it cannot be said that petitioner has amassed property by virtue of income of her husband. Petitioner is an income tax payee and filing income tax returns w.e.f. assessment year 2009-10 to 2021-22. It is further submitted that during investigation, petitioner has fully cooperated with the investigating agency. In this case, chargesheet has already been filed. The custodial interrogation of petitioner is not required, as per recent judgment of the Hon'ble Supreme Court dated 20.03.2023 in the case of ***Mahdoo Bava vs. Central Bureau of Investigation.***



5. However, learned counsel for the Vigilance Department vehemently opposes the prayer for anticipatory bail of petitioner and submits that on the basis of complaint that Sri Dhananjay Mani Tiwari, the then District Engineer, Zila Parishad Office, Siwan had amassed assets disproportionate to his legal source of income, a preliminary enquiry was conducted, in which, it was found that 22 immovable properties have been purchased in the name of this petitioner, whereas, 64 immovable properties were in the name of Sri Dhananjay Mani Tiwari and his family members, out of which, 37 deeds of land as well as a 3-storied building, having evaluated value of Rs. 40,46,785/-, were found in the name of this petitioner and thereafter, the F.I.R. was lodged against Sri Dhananjay Mani Tiwari and Smt. Sanjula Tiwari (petitioner) for D.A. worth Rs. 1,55,55,524/- during check period 10.11.1993 to 19.02.2021. It is further submitted by counsel for the Vigilance that during search of house of petitioner on 21.02.2021, several documents of investment in immovable / movable properties, one Scorpio, one Tractor, one Harvester, one Bajaj Platina motorcycle, one Straw Treaper, house-hold articles etc. besides cash of Rs. 4,92,000/- were seized. It is next submitted that in this case, cognizance has been taken by the learned Court below on



26.06.2023 and the case is pending for appearance of accused persons and as such, it has been prayed to reject the pre-arrest bail application of this petitioner.

6. Taking into consideration the rival submissions of learned counsel for the parties, materials available on record as also the fact that chargesheet has been submitted and petitioner has fully cooperated during investigation and admittedly the C.B.I. does not require her custodial interrogation, the prayer for anticipatory bail of petitioner is allowed.

7. In the event of her arrest/surrender within a period of six weeks from the date of receipt/production of copy of this order, let the above named petitioner 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, North, Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 08 of 2021, Special Case No. 05 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further two conditions:

(A) 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 her absence on two consecutive dates without sufficient reason, her bail bonds shall be cancelled by the Court below.

(B) 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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