

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35686 of 2023

Arising Out of PS. Case No.-48 Year-2019 Thana- VIGILANCE District- Patna

JAISHREE KUMARI Wife of Sanjay Kumar Gwalia Resident of Flat no. 206/A, Mundeshwari Enclave Apartment, Akashbani Road, Khajpura, P.S. - Rajiv Nagar, Distt. - Patna Petitioner

Versus

The State of Bihar through Vigilance, Investigation Bureau, Bihar, Patna Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate
For the Vigilance : Mr.Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 7 25-09-2023 Heard learned counsel for the petitioner and the State.
2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 13(2) r/w, 13(1)(b) of the Prevention of Corruption Act, 1988 and amended Act, 2018.
3. As per the prosecution case, petitioner and her husband amassed assets of Rs. 1,85,29,501/- disproportionate to their legal source of income.
4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and her name has come in the case during course of investigation. As a matter of fact, it is alleged that petitioner's husband being the Sub-Registrar of Muzaffarpur, had acquired assets disproportionate to his source of income during his period of service. It is also submitted that as per allegation he misused his official position and acquired huge wealth in his name and also purchased various flats & lands in the name of his wife (the petitioner) and himself. Petitioner is self employed lady and most of the properties are in the name of her husband who has already been allowed regular



bail by a bench of this Court vide order passed in Cr.Mis.No. 67862/2022. Police after completion of investigation submitted charge sheet and there is no requirement of her custodial interrogation. It is also the case of the petitioner that there is no allegation against her of tempering with the evidence.

5. Learned counsel for the Vigilance opposes the prayer for bail of the petitioner. He submits that during investigation, it was detected that the petitioner and her husband amassed assets of Rs. 1,85,29,501/- disproportionate to their legal source of income. Though petitioner is a merely a house wife, she has amassed huge money in her name during check period without having any independent source of income.

6. Considering the fact that charge sheet has already been submitted in the case and Court below has taken cognizance of the offence on 17.11.2022 and there is no allegation against the petitioner of tempering with the evidence, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, 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 Special Judge, Vigilance, North Bihar, Muzaffarpur in Vigilance (Patna) Police Station Case No. 48 of 2019/ Special Case No. 32 of 2019, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as 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/her absence on two consecutive dates without sufficient reason, his/her 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.

Shashi

(Prabhat Kumar Singh, J)

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