

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37930 of 2022

Arising Out of PS. Case No.-29 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Rishikesh Choudhary S/O Rajesh Kumar Choudhary Resident Of 404
Sundaram Apartment, Tilka Manjhi, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar through Economic Offence Unit, Patna Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38576 of 2022

Arising Out of PS. Case No.-29 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Rajesh Kumar Choudhary Son Of Late Baidhyanath Prasad Choudhary
Resident Of 404 Sundaram Apartment, Tilka Manjhi, P.S. Barari, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar through the E.O.U, Patna. Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38733 of 2022

Arising Out of PS. Case No.-29 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Rajshree Choudhary Daughter Of Rajesh Kumar Choudhary Resident Of 404
Sundaram Apartment, Tilka Manjhi, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar through the E.O.U., Patna bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37930 of 2022)

For the Petitioner/s : Mr.Pranav Kumar Jha

For the EOU : Mr.Vishwanath Pd. Sinha, Sr. Adv.

Mrs. Soni Shrivastava, Adv.

(In CRIMINAL MISCELLANEOUS No. 38576 of 2022)

For the Petitioner/s : Mr.Pranav Kumar Jha

For the EOU : Mr.Vishwanath Pd. Sinha, Sr. Adv.

Mrs. Soni Shrivastava, Adv.

(In CRIMINAL MISCELLANEOUS No. 38733 of 2022)

For the Petitioner/s : Mr.Pranav Kumar Jha

For the EOU : Mr.Vishwanath Pd. Sinha, Sr. Adv.

Mrs. Soni Shrivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

6 27-03-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects, if any, within three weeks.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 13(2) read with Section 13(1)(c) of the Prevention of Corruption Act.

According to the prosecution case, it is alleged that the one Jayshree Thakur has earned disproportionate income amounting to Rs. 2,27,76,766 from her reliable sources of income in between the chek period from 02.01.1987 to 30.06.2013.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioner Rishikesh Choudhary is the son, petitioner Rajshree Choudhary is the daughter and petitioner Rajesh Kumar Choudhary is the husband of co-accused Iayshree Thakur. He submits that the petitioners neither named in the FIR nor anything has been recovered from their conscious possession. The petitioners have been implicated in this case only because they are family member of co-accused Jayshree Thakur. The entire facts collected during investigation



do not constitute any offence against the petitioners. Learned counsel for the petitioners further submits that the co-accused namely Jayshree Thakur against whom there is allegation of disproportionate assets is in jail custody since 22.02.2019. He also relies upon a recent judgment dated 20.03.2023 of the Hon'ble Apex Court passed in the case of Mahdoo Bava Vs. Central Bureau of Investigation (Special Leave to Appeal (Crl.) No (s). 376 of 2023. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned senior counsel for the EOU submits that the main allegation against co-accused Jayshree Thakur is for acquiring disproportionate asset in her name and the name of the petitioners who are the husband, son and daughter of the accused Jayshree Thakur. They did not file any documentary proof regarding properties that they are their self acquired property, therefore, it is apparent that they are involved in disproportionate of government money.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 court below where the case is pending/successor court in connection with Special Vigilance Case No. 41 (A) of 2013 arising out of EOU P.S. Case No. 29 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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