

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52141 of 2022

Arising Out of PS. Case No.-137 Year-2016 Thana- VIGILANCE District- Patna

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Ghulam Mustafa Ansari Son Of Abdul Aziz Ansri Ward No 06, Indrapuri,
Near Hazrat Belal Masjid,Samanpura,Raja Bazar,Rukanpura, District- Patna,
Bihar- 800014

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau, 6 Circular Road, Patna-800001 Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1 Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 09-02-2023 Heard Mr. Raj Nandan Prasad, learned counsel for the

petitioner and Mr. Anil Kumar Singh No.1, Spl. P.P.

representing the Vigilance.

The petitioner is apprehending arrest in connection
with Special Case No. 74 of 2016 arising out of Vigilance P.S.
Case No. 137 of 2016 under section 13(2) read with Section
13(1) of the Prevention of Corruption Act. (hereinafter for short
'the Act').

The FIR against the petitioner read as follows:-

(i) the petitioner was posted as the Sub Divisional
Officer, Jai Nagar, Madhubani and on 27.10.2016 on the basis of



complaint received by Rambriksh Sah, the petitioner was trapped by the Vigilance team;

(ii) the Vigilance team trapped the petitioner for illegal gratification of Rs. 1,00,000/- for which Nigrani P.S. Case No.- 116/2016 dated 28.10.2016 U/S7/8/13(2)R/w, 13(1) (d) of the P.C. Act, 1988 was instituted;

(iii) it is further alleged that Vigilance team on 27.10.2016 searched the petitioner's flat i.e. Flat no.- 402, Makka tower Samanpura, Patna and recovered a cash of Rs. 6,65,000/-, jewelleries, documents relating to purchase of landed property and other investment in Financial Sectors. He was sent to the judicial custody at Muzaffarpur Jail;

(iv) further allegation is that the petitioner's income through salary is Rs. 80,00,000/- and as per the set standard, the expenditure out of the salary is Rs. 41,67,000/- and in that way Rs. 38,33,000/- was the total saving till the date of institution of this case;

(v) further the petitioner was also found in possession of movable & immovable properties worth Rs. 87,42,467/- disproportionate to the known source of his income;

(vi) on the basis of the aforesaid recovery inquiry has been set up by the Vigilance Bureau to ascertain the fact in



respect of disproportionate assets amassed by the accused petitioner by adopting illegal & corrupt means being a public servant.

Learned counsel for the petitioner submits that no D.A. Case can be made against him and only because the allegation of taking bribery followed by FIR is there in a routine manner, he has been dragged in this case.

Further, now the charge-sheet has been submitted and the trial will take years, no fruitful purpose will be served by putting him behind the Bars.

Per contra, Mr. Anil Kumar Singh, learned Spl. P.P. submits that the conduct of the petitioner does not warrant extension of anticipatory bail inasmuch as earlier he had preferred anticipatory bail before the Special Court which was rejected on 29.6.2012 followed by anticipatory bail petition before this Court vide Cr. Misc. No. 37339 of 2017 which too was rejected by a coordinate bench of this Court on 10.8.2017. Thereafter, he sat over the matter and in between on 4.7.2019 charge-sheet was submitted and the petitioner finally awoke from deep slumber only in the year 2021 when he preferred another anticipatory bail which came to be rejected by Special Court 13.7.2022 whereafter in the month of August, this present



anticipatory bail. He submits that due to absence of the petitioner, the trial definitely got hampered and as such opposed the prayer for anticipatory bail.

Having gone through the rival contention, although this Court finds force in the submissions put forward by the learned counsel for the petitioner that now the investigation stands concluded and charge-sheet has been submitted and the trial will take years, putting the petitioner behind the Bars will serve no purpose. However, considering the fact that his anticipatory bail was rejected in 2017 by a coordinate bench of this Court, he chose not to take recourse to legal remedy, and he sat over the matter and after a long four years once again chose to take recourse to the anticipatory bail, the Court is constrained to reject his petition.

If, however, the petitioner appears before the Special Court without four weeks from today, the Court concerned shall take into account the fact that save and except bribery case, he do not have criminal antecedent, the investigation stands completed, the charge-sheet has been submitted and as has been pointed out by the learned counsel for the petitioner, the trial may take time and pass order expeditiously.

Till an order is passed by the concerned Court, the



interim order dated 20.10.2022 in connection with Vigilance
Case No. 137 of 2016 will continue.

(Rajiv Roy, J)

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