

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62171 of 2022

Arising Out of PS. Case No.-65 Year-2017 Thana- VIGILANCE District- Patna

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Sushil Kumar @ Shushil Kumar S/o Late Arun Kumar Gupta Resident of
village, Post and P.S.- Udwant Nagar, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE BIHAR

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2023 Heard both sides.

The petitioner apprehends his arrest in connection with Special Case No.127 of 2017, arising out of Vigilance P.S. Case No.65 of 2017, registered for the offences punishable under Sections 109 and 120B of the Indian Penal Code as well as Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act.

The prosecution case, in brief, is that petitioner came into government service on 21.06.2000. His approximate income from service is Rs.30,00,000/-. His wife, namely, Kumari Sarita is also in government service on contractual basis. Her income from salary is approximately Rs.5,00,000/- It is alleged that the petitioner has taken loan of Rs.16,00,000/- and in this way his total income has been calculated to be



Rs.51,00,000/- Further the assets and expenditures of the petitioner has been calculated to be Rs.1,10,57,425/- and in this way he has been found in possession of assets worth Rs.71,57,425/- disproportionate to his known source of income.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that summon has been issued to the petitioner on 15.12.2021, but he has not received any summon. It is submitted that the income of the mother of the petitioner has not been taken into consideration by the Vigilance Department.

Learned counsel appearing on behalf of the Vigilance Department opposed the prayer for anticipatory bail of the petitioner.

Considering the facts aforesaid, let petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance Patna in



connection with Special Case No.127 of 2017, arising out of
Vigilance P.S. Case No.65 of 2017, subject to the conditions laid
down under Section 438(2) of the Code of Criminal Procedure.

Petitioner is directed to co-operate in trial. If
petitioner does not appear before the learned trial court on two
consecutive dates fixed by the court, the learned counsel for the
Vigilance would be at liberty to move for cancellation of bail
bond of the petitioner.

(Anjani Kumar Sharan, J)

S.KUMAR/-

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