

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67862 of 2022

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

Sanjay Kumar Gwalia S/O Ramdas Ravidas Resident Of Village- Chewara,
P.S.- Chewara, District- Sheikhpura, Presently Resident Of Flat No- 206/A,
Mundeshwari Enclave Apartment Akashbani Road Khajpura, P.S.- Rajiv
Nagar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Investigation Bureau, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv.
	:	Mr. Indu Bushan, Mr. Kumar Rajdeep
		Mrs.Sugandha Prasad
For the Vigilance	:	Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 19-07-2023 Heard learned counsel for the petitioner and learned
law officer on behalf of the vigilance.

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.

The case of the prosecution, in brief, is that the petitioner, being the Sub-Registrar of Muzaffarpur, had acquired assets disproportionate to his source of income. It is alleged that the petitioner was appointed for the post of Sub-Registrar in government of Bihar on 8.3.2002 and during his period of service, he performed his duties in various districts of Bihar on



different posts. Thereafter, it is found that after his appointment and till discharging the official duty, the petitioner misused his official position to acquire huge wealth on his name and also purchased various flats & lands in the name of his wife and himself. It is further alleged the petitioner also invested lacs of money in the bank and other financial institutions. During investigation, the petitioner amassed a huge amount of Rs. 53,65,509/- earnings from his known source of income.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner has not made any disproportionate earning and he has already declared his entire property to his department, however, informant under ulterior motive lodged the instance FIR and implicated the petitioner in this case. It is also submitted that wife of the petitioner has herself invested money and purchased land from her own source of income and the petitioner has not given a single penny of amount in such investment or purchase of land as such, the allegations have been made against the petitioner are false and fabricated. The petitioner's wife is a land broker/commission agent of purchasing of land since 2012 and the investigating agency failed to consider her annual income and has shown exaggerated amount as disproportionate assets &



income to somehow make out a case against the petitioner. So far as, the alleged amount which was recovered from Mundeshwari Enclave Apartment in the absence of the petitioner, does not belong to him rather the same belongs to petitioner's wife. The petitioner has got no criminal antecedent as stated in para-3 of the petitioner. Moreover, the petitioner is languishing in judicial custody since 12.9.2022.

Learned APP appearing for the state and law officer on behalf of the vigilance have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Vigilance P.S. Case No. 48 of 2019 arising out of Special Case no. 32 of 2019 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 subject to following conditions:

(i) the petitioner shall co-operate in the trial and shall be present on each and every fixed date.



(ii) if the petitioner tampers with the evidence or threatens the witnesses, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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