

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6088 of 2024

Arising Out of PS. Case No.-8 Year-2021 Thana- VIGILANCE District- Patna

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Dhananjay Mani Tiwari son of Late Awadhesh Kumar Tiwari Village-
Malviya Nagar Ps- Mahdeva OP Siwan Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Department, Govt. of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :

Mr. Naresh Dixit, Adv.

Mr. Sumit Kumar Pandey, Adv.

Mr. Sanjay Kumar Chaubey, Adv.

For the Opposite Party/s :

Mr. Arvind Kumar, Advocate for Vigilance Dept.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-05-2024

Heard the parties.

2. The petitioner apprehends his arrest in connection with
Vigilance P.S. Case No. 08 of 2021, Special Case No. 05 of
2021 registered under Sections 109, 120B of the Indian Penal
Code, Sections 13(2), 13(1)(e) of Prevention of the Prevention
of Corruption Act, 1988 as well as Sections 13(2), 13(1)(B) of
Prevention of Corruption Act (Amended 2018).

3. As per report of informant, namely, Sri Surendra Kumar
Mauar, Dy.S.P. Vigilance Investigation Bureau, Patna, an
information was received against the petitioner, the then District
Engineer, Zila Parishad Office, Siwan for amassing
disproportionate property more than the known source of his
income. It was elaborated that the petitioner has earned a sum of
Rs. 1,55,55,524/- in excess against his known source of income.
On that basis, a raid was conducted by the Vigilance Department



in the house of petitioner on 21.02.2021 in which several documents of investment in immovable and movable properties, one Scorpio, one Tractor, one harvester, one Bajaj Platina motorcycle, one straw treaper, house hold articles etc. were seized. Besides it, cash of Rs. 4,92,000/- was also seized from the office of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case due to ulterior motive. Petitioner has got income from machineries used for Agricultural purposes such as Tractor, Combine Harvester and straw riper. The income from the aforesaid machineries is quite huge. Petitioner is an income tax payee and filing income tax returns w.e.f. assessment year 2008-09 to 2022-23. It is further submitted that during investigation, petitioner has fully cooperated with the investigating agency. In this case, charge-sheet has already been filed.

5. Learned counsel for the Vigilance Department vehemently opposes the prayer for anticipatory bail of petitioner and submits that petitioner had amassed assets disproportionate to his legal source of income, a preliminary enquiry was conducted, in which, it was found that 64 immovable properties were in the name of this petitioner and his family members, out



of which, 37 deeds of land as well as a 3-storied building, having evaluated value of Rs. 40,46,785/-, were found in the name of his wife. Learned counsel for the Vigilance further submits that during search of house of petitioner on 21.02.2021, several documents of investment in immovable / movable properties, one Scorpio, one Tractor, one Harvester, one Bajaj Platina motorcycle, one Straw Treaper, house-hold articles etc. besides cash of Rs. 4,92,000/- were seized. It is also submits that petitioner has not shown any document of receiving interest from GPF account. The total salary of the petitioner has been calculated as per the documents of I.T.R. It is further submits that petitioner has taken plea that he has got income from machineries used for agriculture purposes such as Tractor, combined Harvester and Straw Reaper but the said income has duly been shown in the I.T.R. by the petitioner.

6. Having considered the fact that charge-sheet has already been submitted and petitioner has fully cooperated during investigation as also the fact that there is no allegation or apprehension of tampering with evidence, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Special Judge, Vigilance, North, Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 08 of 2021, Special Case No. 05 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr. P.C. with further two conditions:

(A) 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(B) 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.

(Prabhat Kumar Singh, J)

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