

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11297 of 2024

Arising Out of PS. Case No.-9 Year-2020 Thana- VIGILANCE District- Patna

Dilip Kumar Singh @ Dilip Singh S/O Nandu Prasad Singh R/O Village And
P.O- Dharhara Kala, P.S- Amnour, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar, A.P.P.

Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-04-2024 Heard learned counsel for the parties.

2. Petitioner seeks regular bail in connection with Patna Vigilance P. S. Case No. 09/2020 corresponding to Special Case No. 13/2020 registered for offences under Section 13(2) read with Section 13(1)(b) of the Prevention of Corruption Act and Section 109/120(b) of the Indian Penal Code.

3. As per the prosecution case, this petitioner who is Mukhiya of Gram Panchayat Raj Dharhara PS-Amnour, District- Saran (Chapra) purchased some movable and immovable property in his own name and in the name of his wife. The total income from agriculture is Rs. 5,55,000/- + given by the government Rs. 97,000/- as per the statement given by him at the time of nomination, deposit in bank as cash in hand is Rs. 1,45,000/-, total Rs. 7,92,790/-. It is further alleged that this petitioner purchased movable and immovable property of



expenses Rs. 29,85,398/- total comes to Rs. 21,92,698/- therefore, he earns expenses of Rs. 21,92,698/-.

4. Learned counsel for the petitioner submits that at the time of nomination in the year 2006 for the post of Mukhiya, this petitioner has given information with affidavit that he has got 2 acres of share. In the second time, in the year 2011, at the time of nomination for the post of Mukhiya, petitioner has given information with affidavit that he has got 2.5 acres of land as per his share. The agricultural income verified by the IO and CO Amnour is khatiyani land of 8 acres which is in the name of grandfather of the petitioner which is also the source of his agricultural income. The CO after verification also reported that income of the petitioner is 2,00,000/- (two lakhs) per year. So as per that report income from agriculture is not less than between the year 2006 to 10.06.2020 Rs. 28,00,000/-, but his parental land income was not added in the income part of the petitioner in this case. It is further submitted that father of this petitioner namely, Sri Nandu Singh was in service in BSF from 18.09.1968 to 31.03.2009, after retirement he is pension holder and he lives with petitioner family due to which his sons used to give money to the petitioner through his account and that is not added in the income of the petitioner. Lastly it is submitted that



charge-sheet has already been submitted. There is no tampering with the evidence or absconding. Petitioner is in custody since 13.12.2023.

5. Counsel for Vigilance has opposed the bail application and by filing counter affidavit he has submitted that as per the allegation this petitioner has assets disproportionate to his legal source of income. It is further submitted that the IO has prepared separate two charts describing joint agricultural land of this petitioner along with his two brothers and total income from the agricultural land during check period for two crops will be Rs. 2,84,092/- and this amount has been taken in income side in the calculation of D.A. It is next submitted that the petitioner never produced any reliable documentary evidence with regard to the money contributed to him by his father and brothers in the joint family as also, during investigation, this petitioner has not produced any reliable documentary evidence to the effect that he has earned money from Tractor and as such, claim of the petitioner is not acceptable. It is further submitted that the petitioner has filed bail application before learned Special Judge Vigilance, Muzaffarpur but after hearing both the sides, learned court below has rejected his bail petition vide order dated 03.01.2024. He lastly submits that during the course of



investigation it was found that the wife of this petitioner has amassed assets on behalf of the petitioner for which she was not able to give satisfactory explanation that from which legal source of income the properties in question have been acquired.

6. Considering the rival submissions of the parties, materials available on record, period of custody and the fact that chargesheet has already been submitted, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Vigilance, Muzaffarpur in connection with Patna Vigilance P. S. Case No. 09/2020 corresponding to Special Case No. 13/2020 with the following conditions:

“1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dated without sufficient reason, his bail-bond shall be cancelled by the court below.

2. 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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