

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18265 of 2024

Arising Out of PS. Case No.-13 Year-2019 Thana- VIGILANCE District- Patna

Shashi Bhushan Kumar Son of Late Shyam Manohar Singh R/o Village and Post- Chhariyari, P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The state of Bihar through Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-04-2024 1. Heard learned counsel for the petitioner and learned Special P.P. for the Vigilance, Mr. Arvind Kumar.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 13(2) read with Section 13(1) (b) of the Prevention of Corruption Act.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that the petitioner was working as a Constable in Vigilance Department, Patna and was involved in illegal practices and by illegal means acquired assets disproportionate to his known sources of income and during the check period between 20.01.1995 and



14.03.2018, the total income disproportionate to his known sources of income along with his wife comes to Rs. 2,09,21,500/- when total expenditure comes to the tune of Rs.1,49,95,762/- further the total value of movable and immovable assets in the name of the petitioner and other family members comes to Rs. 2,81,08,498/- thus the total value of assets disproportionate to his known sources of income comes to the tune of Rs. 2,50,92,753/-.

4. The learned counsel for the petitioner submits that what is not in dispute rather stands admitted is that the Vigilance has completed the investigation and charge sheet has been submitted. It is also submitted that during the course of investigation, Vigilance never felt the need of arresting the petitioner nor any steps were taken by the Vigilance to arrest the petitioner as the petitioner cooperated in the investigation, it is thus submitted that no useful purpose would be served by sending the petitioner to jail when charge sheet has been submitted and nothing more requires to be elicited from the petitioner. It is next submitted that the wife of the petitioner who was also made an accused in the instant case had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 71586 of 2023 which was allowed by an



order dated 19.03.2024 by a learned Co-ordinate Bench, thereafter, the learned counsel draws the attention of the Court to Para-5 of the order dated 19.03.2024 wherein it has been specifically recorded that the learned counsel appearing on behalf of the Vigilance submitted that the petitioner along with her husband have cooperated during the course of investigation and there is no likelihood that the petitioner will abscond or tamper with the evidence. The learned counsel thus submits that since petitioner along with his wife had cooperated in the investigation, based on which charge sheet has been submitted, as such, the petitioner will not abscond nor tamper with the evidence, rather will cooperate in the trial.

5. Learned Special P.P. for the Vigilance opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Special Case No.



12 of 2019 corresponding to Vigilance P.S. Case No. 13 of 2019
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.

7. However, it is made clear that the learned Trial
Court shall be at liberty to cancel the bail bonds of the petitioner
in the event if the learned Trial Court comes to a conclusion that
petitioner after obtaining anticipatory bail is trying to delay the
trial in any manner.

(Satyavrat Verma, J)

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