

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17626 of 2024

Arising Out of PS. Case No.-4 Year-2014 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Kanhaiya Kumar @ Kanhya Kumar, S/o Late Rajgir Rajak, permanent R/o Purnea Court Station, P.S. - Khajanchi Haat, District-Purnea, presently residing at Flat No. - 301, Saakar Indu Villa Apartment, Rajbanshi Nagar, Road No. - 2 Extension, P.S. - Shastri Nagar, District – Patna.

... .. Petitioner

Versus

The State of Bihar through Economic Offence Unit Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Sr. Adv.

Mr. Akshansh Ankit, Adv.

For the Opposite Party/s : Mr. Vishwanath Pd. Sinha, Sr. Adv.

Mr. Vijay Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-05-2024 Heard Mr. Mrigank Mauli, learned senior counsel, for the petitioner and Mr. Vishwanath Prasad Sinha, learned senior counsel, representing the Economic Offence Unit.

2. The petitioner seeks regular bail, who is in custody in connection with Economic Offences Unit (E.O.U.) P.S. Case No. 04 of 2014, giving rise to Special Vigilance Case No. 14 of 2014 registered for the offence punishable under Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988.

3. Pursuant to the direction of this Court, a counter affidavit has been filed, which has been kept on record.

4. Earlier, the petitioner had moved before this Court for grant of his anticipatory bail, which came to be rejected vide



order dated 08.08.2023. The petitioner moved before the Hon'ble Supreme Court in SLP (Criminal) No. 51136 of 2023, which also stood rejected on 12.01.2024. The petitioner, thereafter, surrendered before the court below and now he is in custody since 25.01.2024.

5. The prosecution story, based on the written report alleges that while the petitioner was posted as the Assistant Director, Information and Public Relations Department, Bihar at Patna, he amassed disproportionate movable/immovable assets worth Rs. 1,19,96,650/- in his name as well as his wife. As per the narrations in the FIR, it is said that during the check period i.e. 30.09.2002 till 31.12.2013, the computation of income, expenditures and acquired properties were found exorbitantly disproportionate to the income of the petitioner.

6. The learned senior counsel for the petitioner, primarily contended that the wife of the petitioner is not dependent and she has an independent source of income. The Economic Offence Unit has wrongly clubbed the income of assets of his wife with that of the petitioner while computing the alleged disproportionate assets. Besides the aforesaid fact, the informant has shown deflated amount of income and inflated price of assets and expenditures in order to make the allegation



graver. In this regard, details of the income and expenditure have been given in the application in order to show his defence.

7. Learned senior counsel, further contended that the Investigating Agency has ignored the documents and explanation provided by the petitioner. Moreover, in the present case, the charge-sheet has already been submitted vide charge-sheet no. 21/2017. Instances have been shown that other charge-sheeted co-accused, having more or less similar allegations have been granted the privilege of anticipatory bail, the copies of which have been produced as Annexure-P3 series. It is lastly contended that the petitioner, who was holding the post of Assistant Director, Information and Public Relations Department, Bihar at Patna have had clean antecedent. All the more, there is no requirement of further custodial interrogation and, as such, the incarceration of the petitioner, in the instant case, is not required anymore.

8. Refuting the contention of the petitioner, learned senior counsel, representing the Economic Offence Unit, has vehemently opposed the prayer for bail and contended that the total earning obtained and income of the petitioner is 370%, more than of his legal income and the total disproportionate assets are of an amount of Rs. 1,96,75,684/-. He also contended



that during the course of investigation, various immovable and movable properties were found in the name of the petitioner's wife, who is only a house wife. The wife of the petitioner and his two daughters are completely dependent on their father and, as such, the contention of the petitioner that his wife has independent income is fit to be rejected. Moreover, ample materials have come suggesting the complicity of the petitioner and his wife in amassing the disproportionate income, leading to submission of the charge-sheet; after having found the case true against them. It is lastly contended that the petitioner has been continuously evading the process of the Court and, as such, he does not deserve any sympathetic consideration.

9. Having heard the rival contentions of the learned senior counsel for the respective parties, this Court finds that admittedly, the investigation of the crime is already completed and the charge-sheet has been submitted way back in the year 2017. The entire case is based on documentary evidence and it is not the case of the Investigating Officer or the informant, Economic Offence Unit that any custodial investigation is required. Other-co-accused persons, who have also been made accused in the present case, including the wife of the petitioner, have been allowed the privilege of anticipatory bail by different



Benches of this Court in different bail applications. It is also informed to this Court that the property in question in the name of the petitioner and his wife have already confiscated by the competent authority. The petitioner is a government servant having fair antecedent and, as such, taking note of all the gamut of facts, keeping him behind the bar would serve no further purpose.

10. Let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of learned P.O. (Special Court), Vigilance, Patna in connection with Economic Offences Unit (E.O.U.) P.S. Case No. 04 of 2014, giving rise to Special Vigilance Case No. 14 of 2014, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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