

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44018 of 2024

Arising Out of PS. Case No.-27 Year-2020 Thana- VIGILANCE District- Patna

Meena Kumari W/o Ashok Kumar R/o House no 3/10 indrapuri, P.S.-
Patliputra, District-Patna

... .. Petitioner/s

Versus

The State of Bihar through Vigilance

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-08-2024 1. Heard learned counsel for the petitioner and learned Special P.P. for the vigilance Mr. Arvind Kumar.
2. The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 13(2), 13(1)(b) of the P.C. Act and Sections 109 and 120B Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and informant alleges that comprehensive evaluation of movable and immovable assets of Shri Ashok Kumar discloses a total sum of Rs.1,62,60,597/-, after subtracting savings amount of Rs.60,00,000/- comes to Rs.1,02,60,597/- as disproportionate assets.
4. The learned counsel for the petitioner submits that petitioner being wife of Ashok Kumar came to be implicated in the instant case as her husband purchased certain properties in her name. It is also submitted that petitioner never evaded the vigilance rather



co-operated in the investigation. It is also submitted that it is not the case of vigilance that the petitioner at any point of time evaded the notice or did not co-operate in the investigation. It is next submitted that the vigilance never felt the need of arresting the petitioner during the course of investigation and charge sheet has been submitted, as such, no useful purpose would be served by sending the petitioner to jail. It is also submitted that petitioner will not abscond rather will co-operate in the trial. It is next submitted that summons were issued, as such, the petitioner by way of abandoned precaution applied for anticipatory bail before the learned trial court, but the learned trial court instead of appreciating the facts of the case in its correct perspective, as recorded, hereinabove, proceeded in a mechanical manner, rejecting the anticipatory bail application of the petitioner without realizing that vigilance during the course of investigation, never felt the need to arrest the petitioner. It is also submitted that had the petitioner appeared, in pursuance of summon, then the learned trial court would have taken the petitioner into custody, as it is happening in majority of the cases.

5. Learned counsel appearing on behalf of the vigilance does not dispute the submission of the learned counsel appearing on behalf of the petitioner that the petitioner during the course of investigation co-operated in the investigation and the vigilance never felt the need of arresting 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 Court below 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.26 of 2020, arising out of Vigilance P.S. Case No.27/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the learned trial court comes to a conclusion that petitioner after her release is trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner after recording reason.

(Satyavrat Verma, J)

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