

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71586 of 2023

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

=====

NUNU DEVI W/O SHASHI BHUSAN KUMAR RESIDENT OF VILLAGE
AND POST - CHHARIYARI, P.S. - MAKHDUMPUR, DISTRICT -
JEHANABAD, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Arvind Kumar, Spl. PP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 19-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Special Case No. 12 of 2019 arising out of Vigilance Police Station Case No. 13 of 2019, dated 25.03.2019, disclosing offences under Sections 109 and 120-B of the Indian Penal Code.
3. As per the First Information Report, the husband of the petitioner was working as constable in Vigilance Department, Patna, and was involved in illegal practices and by illegal means acquired assets disproportionate to their known source of income. During check period between 20.01.1995 and 14.03.2018, the total income



disproportionate to known source of income of the petitioner, alongwith her husband, comes to Rs. 2,09,21,500/-. Total expenditure comes to the tune of Rs. 1,49,95,762/- and total value of movable and immovable assets in the name of the husband and other family members come to Rs. 2,81,08,498/-. Accordingly, the total value of assets disproportionate to valid income comes to the tune of Rs. 2,50,92,753/-

4. Learned Counsel for the petitioner submits that the petitioner has been made accused on the basis of fact that some property has been purchased in the name of the petitioner by her husband. The petitioner, alongwith her husband, has cooperated during the course of investigation and the Vigilance Investigation Bureau, after investigation, has submitted chargesheet, alleging disproportionate assets to the tune of Rs. 1,48,29,797/-. He next submits that the petitioner has filed the anticipatory bail application after cognizance has been taken by the Special Vigilance Court and after issuance of summons.
5. On the other hand, learned counsel for the Vigilance submits that the petitioner, along with her husband, has



cooperated during the course of investigation and there is no likelihood that the petitioner will abscond and/or temper with the evidence. However, the charge-sheet was submitted in the year 2020 and summons were issued around the same period, but the petitioner has still not appeared before the Trial Court and the trial is pending for appearance of the petitioner.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner, along with her husband, has cooperated during the course of investigation and there is no likelihood that the petitioner will abscond and/or temper with the evidence, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, surrender before the Court below within a period of three weeks from today and upon surrender before the Court below, the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance, Patna, in connection with Special Case No. 12



of 2019 arising out of Vigilance Police Station Case No. 13 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

9. This is subject to the condition that the petitioner shall present herself before the Court, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

