IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26584 of 2025

Arising Out of PS. Case No.-13 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR District- Patna

==

Amresh Ram Son of Late Manichand ram village- Ward no. 13, Minibigha, Ps and Dist- Aurangabad

... ... Petitioner/s

Versus

The State of Bihar through EOU Bihar ... ... Opposite Party/s

==

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar, Advocate
For the Opposite Party/s	:	Mr. Vishwanath Pd. Sinha, APP
For the EOU	:	Mr. V.N.P Sinha, Sr. Advocate
	:	Mr. Vijay Anand, Advocate

==

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 10-07-2025 Heard Mr. Hemant Kumar, learned counsel for the petitioner and Mr. Vishwanath Pd. Sinha, learned Additional Public Prosecutor for the State, Mr. V.N.P Sinha, learned counsel for the EOU.

2. The petitioner is apprehending his arrest in connection with Special Case No. 15 of 2022 arising out of Economic Offence Unit P.S. Case No. 13 of 2022, F.I.R. dated 07.03.2022 for the offences punishable under Sections 13(2) r/w 13(1)(b) of the P.C. Act 1988 (as amended in 2018).

3. As per the prosecution case, the petitioner misused his powers and position to acquire disproportionate assets in his name and in the name of his wife. It is further alleged that the petitioner has purchased land and immovable properties in the name of his family members.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It is alleged in the FIR that the petitioner acquired the assets through illegal means and corrupt malpractices during his services, amassing disproportionate assets of Rs. 1,09,44,544/- (Rupees One Crore Nine Lakh Forty Four Thousand Five Hundred and Forty Four), during the said check period. Based on these allegations, the present FIR is instituted against the petitioner.

5. Learned counsel for the petitioner submits that after completing the investigation, the investigation officer (I.O) submitted charge sheet dated 07.03.2022 against the petitioner where in the total income of the petitioner from the known sources comes to Rs. 1,22,63, 501/- (Rupees One Crore Twenty Two Lakh Sixty Three Thousand Five Hundred and One) and total expenditure of the petitioner comes to Rs. 1,23,84,519/- (Rupees One Lakh Twenty Three Lakh Eighty Four Thousand Five Hundred and Nineteen) and the total immovable assets possessed by the petitioner comes out to Rs.60,59,000/-(Rupees Sixty Lakhs Fifty Nine Thousand) and the movable assets acquired by the petitioner comes to Rs.47,64,526/- (Rupees Forty Seven Lakh Sixty Four Thousand Five Hundred and

Twenty Six). It is further alleged that the petitioner has acquired the assets through illegal means and out of corrupt malpractices during his services and has acquired disproportionate asset of Rs. 1,09,44,544/- (Rupees One Crore Nine Lakh Forty Four Thousand Five Hundred and Forty Four) during the check period.

6. Learned counsel for the petitioner submits that petitioner has not been afforded any opportunity whatsoever by the vigilance to account for in the manner required under the directives of section 13(1)(b) of the P.C. Act, 1988. The Investigation Officer (I.O) has committed various irregularities in calculating the assets and various investments of the petitioner in the charge-sheet. The I.O. has calculated the value of all immovable property but missed out to include stamp duty and registration charges related with the aforesaid immovable properties and the value of stamp duty and registration charges are evident from the list of immovable properties included in the charge sheet. The gross value of stamp duty paid and registration fee paid is summed to Rs.6,63,636/- (Rupees Six Lakh Sixty Three Thousand Six Hundred and Thirty Six) and it should be included to get value of gross immovable properties of the petitioner. The total immovable assets acquired by the

petitioner comes to Rs. 67,22,636/- (Rupees Sixty Seven Lakh Twenty Thousand Six Hundred and Thirty Six) only instead of 60,59,000/-(Rupees Sixty Lakh Fifty Nine Thousand).

7. Learned counsel for the petitioner submits that the I.O. has already filed charge sheet long back in 07.03.2022 itself and the present case is based on the documentary evidence. He further refers to paragraph no.9 and 10 of the judgment of Hon'ble Supreme Court in **Special Leave to Appeal (Crl.) No. 18081 of 2024** which is quoted hereinbelow:-

> *"We are of the view that once the investigation is over and charge-sheet is filed then the accused should be asked to appear before the Court concerned and should furnish bail to the satisfaction of the trial court.*
>
> *10. If at all, the Investigation Officer wanted to interrogate the petitioner, he could have arrested him during the course of the investigation itself. Now there is no point in making a formal arrest."*

8. Learned counsel for the petitioner further refers to paragraph-10 of the order/judgment passed by the Hon'ble Supreme Court in case of **Mahdoom Bava vs. Central Bureau of Investigation** in Cr. Appl….of 2023(arising out of SLP

(Crl.376 of 2023) in which is quoted hereinbelow:-

> *"10. More, importantly, the appellants apprehend arrest, not at the behest of the CBI but at the behest of the Trial Court. This is for the reason that in some parts of the country, there seems to be a practice followed by Courts to remand the accused to custody, the moment they appear in response to the summoning order. The correctness of such practice has to be tested in an appropriate case. Suffice for the present to note that it is not the CBI which is seeking their custody, but the appellants apprehend that they may be remanded to custody by the Trial Court and this is why they seek protection. We must keep this in mind while deciding the fate of these appeals."*

9. Learned counsel for the petitioner submits that in view of the aforesaid judgment, the investigation is already completed and after investigation the EOU had already filed charge sheet against the petitioner long back in 07.03.2022 and the present case is based on the documentary evidence so custodial interrogation is not required in the present case, so petitioner may be given the benefit of anticipatory bail.

10. The learned counsel for the EOU has vehemently opposed the prayer for bail of the petitioner and submits that it

has come during investigation that the petitioner has acquired the disproportionate asset of Rs. 1,09,44,544/- (Rupees One Crore Nine Lakh Forty Four Thousand Five Hundred and Forty Four) during the said check period and it is admitted fact that the petitioner has acquired more income from known sources.

11. Learned counsel for the EOU refers to paragraph no. 21, 31 and 32 of the judgment reported in **(2025) 4 SCC 493 in (Devinder Kumar Bansal vs. State of Punjab)** which is mentioned hereinbelow:-

> *"21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner- accused for grant of anticipatory bail and there is no frivolity in the prosecution.*
>
> *31. In Neera Yadav v CBI, this Court observed thus (SCC pp 784-85, paras 59-61)*
>
> *59. Every country feels a constant longing for good governance righteous use of power and transparency in administration. Corruption is*

no longer a moral issue as it is linked with the search of wholesome governance and the society's need for reassurance that the system functions fairly, free from corruption and nepotism. Corruption has spread its tentacles almost on all the key areas of the State and it is an impediment to the growth of investment and development of the country. If the conduct of administrative authorities is righteous and duties are performed in good faith with the vigilance and awareness that they are public trustees of people's rights, the issue of lack of accountability would themselves fade into insignificance.

60. To state the ubiquity of corruption, we may refer to the oft quoted words of Kautilya, which reads as under:

'Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the king's revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money (for themselves). It is possible to mark the movements of birds flying high up in the sky but not so is it possible to ascertain the movement of

government servants of hidden purpose.

61. Tackling corruption is going to be a priority task for the Government. The Government has been making constant efforts to deal with the problem of corruption However the constant legislative reforms and strict judicial actions have still not been able to completely uproot the deeply rooted evil of corruption. This is the area where the Government needs to be seen taking unrelenting, stern and uncompromising steps. Leaders should think of introducing good and effective leadership at the helm of affairs, only then benefits of liberalisation and various programmes, welfare schemes and programmes would reach the masses, Lack of awareness and supine attitude of the public has all along been found to be to the advantage of the corrupt Due to the uncontrolled spread of consumerism and fall in moral values, corruption has taken deep roots in the society What is needed is a reawakening and recommitment to the basic values of tradition rooted in ancient and external wisdom Unless people rise against bribery and corruption, society can never be rid of this disease The people can collectively put off this evil by resisting corruption by any person, howsoever high he or she may be "

> *32. In the overall view of the matter, we are convinced that the High Court rightly denied anticipatory bail to the petitioner herein."*

12. Learned counsel for the EOU also refers to paragraph-22 of the judgment of the Hon'ble Supreme Court reported in **2024 (1) PLJR (SC) 146** in **Tarun Kumar vs. Assistant Director Directorate of Enforcement)** which is mentioned hereinbelow:-

> *22. Lastly, it may be noted that as held in catena of decisions, the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. Undoubtedly, economic offences have serious repercussions on the development of the country as a whole. To cite a few judgments in this regard are* ***YS Jagan Mohan Reddy vs. Central Bureau of Investigation, (2013) 7 SCC 439, Nimmagadda Prasad vs. Central Bureau of Investigation, (2013) 7 SCC 466, Gautam Kundu vs. Directorate of Enforcement (supra), State of Bihar and***

Another vs. Amit Kumar alias Bachcha Rai, (2017) 13 SCC 751. *This court taking a serious note with regard to the economic offences had observed as back as in 1987 in case of* ***State of Gujarat vs. Mohanlal Jitamalji Porwal and Another, (1987) 2 SCC 364*** *as under:-*

> *"5... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the Interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest...."*

13. Learned counsel for the EOU submits that in view of the aforesaid judgment the petitioner is not entitled for grant of anticipatory bail.

14. Considering the aforesaid facts and circumstances

and the fact that charge-sheet has already been submitted by EOU in the year 2022 itself and the present case is based on documentary evidence, so no interrogation is required in the present case by EOU and in view of the judgment referred by the learned counsel for the petitioner as mentioned aforesaid and apart from that petitioner has clean antecedent and petitioner has not been afforded any opportunity whatsoever by the vigilance to account for in the manner required under the directives of section 13(1)(b) of the P.C. Act, 1988, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned PO Special Court (Vigilance), Patna in connection with Special Case No. 15 of 2022 arising out of Economic Offence Unit P.S. Case No. 13 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

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

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	