

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 9874 of 2013

Arising out of P.S. Case No. -20 Year- 2012 Thana -C.B.I
CASE District- Patna

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Shyam Lal Prasad S/o Late Ram Lochan Ram R/o Village -
Mairhi, P.O. Saidraja, P.S. Saidraja, District - Chandauli
(Uttar Pradesh)

.... Petitioner/s

Versus

The Central Bureau of Investigation

.... Opposite Party/s

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with

Criminal Miscellaneous No. 46838 of 2014

Arising out of P.S.Case No. -20 Year- 2012 Thana -C.B.I
CASE District- PATNA

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Lalit Kumar Kothari S/o Sri Mathura Das Kothari Resident of
Flat No. 9 B/3, 3 Alipur Road, P.S. Alipur, District - Kolkata
(West Bangal).

.... Petitioner/s

Versus

The Central Bureau of Investigation, Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.9874 of 2013)

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s: Mr. Bipin Kumar Sinha (S.C.CBI)

(In Cr.Misc. No.46838 of 2014)

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s: Mr. Bipin Kumar Sinha(S.C. CBI)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

04. 22.01.2015

Heard learned counsel for the Petitioners and the
State.

The Petitioners are apprehending their arrest in a
case registered under Sections 120B and 420 of the Indian
Penal Code and Sections 13(2) read with 13(1)(d) of the P.C.
Act.

The allegation is that Petitioner, Shyam Lal Prasad was member of the Tender Committee in course of which awarded contract accepting illegal gratification.

The submission of the Petitioner is that after the initial Tender Committee accepted the contract it was approved by a higher body and subsequently even by the Railway Board which in fact commended on the manner in which the contract had been awarded.

It thus appears there is no allegation that there is any loss which has been caused to the Govt. and if at all there is an allegation it is that he had accepted illegal gratification from the concerned company. It is also an admitted position that the contract was approved by the higher bodies right till the Railway Board.

As for the Petitioner, Lalit Kumar Kothari he is a representative of the Company which had been awarded the contract. Allegation against him is that the contract had been obtained after briefing the Tender Committee.

It has been submitted that the Tender Committee was merely a recommending body and the contract was approved by the higher officials of the Railway Board and, therefore, the allegation that the contract was awarded unfairly, is without any basis.

Considering the aspects mentioned above, let the Petitioners, above named be released on anticipatory bail in the event of arrest or surrender before the learned Court



below within a period of four weeks from the date of receipt of the order on furnishing bail bonds of Rs. 5,000/- (Five Thousand) each with two sureties of the like amount each or any other surety as fixed by the Court to the satisfaction of Special Judge, C.B.I.-III, Patna in connection with R.C. No. 20(A) of 2012 (Special Case No. 14 of 2012) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also subject to the condition that one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner and the other bailor shall be local since the Petitioners belong to U.P./West Bengal.

However, it is made clear that the anticipatory bail granted to the Petitioners shall have no bearing on any other claim if raised against the Petitioners.

Let case diary be remitted to the Court below immediately.

(Anjana Prakash, J.)

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