

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9241 of 2015

Arising Out of Special Case No. 08 of 2011 RC No. -12A of 2011 Thana -
C.B.I CASE District- PATNA

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1. Som Pal Singh Saini S/O Late Prasada Singh, resident of 95 D, D D A
Flates, Shivam Enclave, Sahadra, Delhi- 32, Vivek Vihar, District- Eastern
Delhi

.... Petitioner/s

Versus

1. The Union of India through the Deputy Inspector General, C B I, Anti-
Corruption Branch, Patna

.... Opposite Party/s

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with

Criminal Miscellaneous No.9444 of 2015

Arising Out of Special Case No. 8 of 2011, RC No. 12A of 2011 Thana -
C.B.I CASE District- PATNA

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1. Satyendra Kumar S/o Late Bangali prasad R/o Vill. - Bhadwa, P.S.
Rahue, Distt. - Nalanda A/P Posted as Executive Engineer C.P.W.D. office
of the Chief Engineer EZ - 4, Aitrport Road Hinoo, Ranchi - 2

.... Petitioner/s

Versus

1. The State of Bihar through C.B.I./A.C.B, Patna

.... Opposite Party/s

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with

Criminal Miscellaneous No.14172 of 2015

Arising Out of Special Case No. 8 of 2011, RC No. 12A of 2011 Thana -
C.B.I CASE District- PATNA

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1. Mithilesh Prasad Mishra Son of Sri C.L. Mishra Resident of Siswa,
Varanashi, (U.P), At present posted as Asstt. Engineer, C.P.W.D.
Varanashi.

.... Petitioner/s

Versus

1. The State of Bihar Through C.b.i/a.c.b/patna

.... Opposite Party/s

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with

Criminal Miscellaneous No.11719 of 2015

Arising Out of Special Case No. 8 of 2011, RC No. 12A of 2011 Thana -
C.B.I CASE District- PATNA

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1. Mr. K Venkata Phani aged about 38 years, son of Mr. K. Venkata Rao, Director of ECI Company, situated at Plot No. A-12-13, Panchavati Township, Manikonda, Rajendranagar Mondal , R.R. District, Hyderabad. 500089, A.P. (India).

.... Petitioner/s

Versus

1. The Union of India Through Cbi

.... Opposite Party/s

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with

Criminal Miscellaneous No.11922 of 2015

Arising Out of Special Case No. 8 of 2011, RC No. 12A of 2011 Thana - C.B.I CASE District- PATNA

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1. Mr. K Venkata Rao, aged about 63 years S/o Late Uma Maheshwar Rao Chairman of ECI Company, Situated at Plot No. A-12-13, Panchavati Township, Manikonda, Rajendranagar Mondal, R.R. District, Hyderabad, 500089, A.P. (India).

.... Petitioner/s

Versus

1. The Union of India through C.B.I.

.... Opposite Party/s

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with

Criminal Miscellaneous No.14761 of 2015

Arising Out of Special Case No. 8 of 2011, RC No. 12A of 2011 Thana - C.B.I CASE District- PATNA

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1. Mr. S.R.K. Prasad @ Surapanenv Ram Krishna Prasad Son of Late S. Vekata Rayudu, Ex - Executive Director of ECI Company, situated at Plot No. A - 12 - 13, Panchavati Township, Mankonda, Rajendranagar Mondal, R.R. District - Hyderabad, 500089, A.P. (India) and resident of 18-58.15, MES Colony, Venkatapuram, Secundrabad - 500015, Andhra Pradesh.

.... Petitioner/s

Versus

1. The Union of India through the CBI

.... Opposite Party/s

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with

Criminal Miscellaneous No.21155 of 2015

Arising Out of Special Case No. 8 of 2011, RC No. 12A of 2011 Thana - C.B.I CASE District- PATNA

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1. Mr. J. Ramkrishna son of Shiva Prasad, resident of Vamangunta Palem,
P.O.- Thurumella, Amruthalurumandal, District- Guntur (A.P.)

.... Petitioner/s

Versus

1. The Union of India through the C.B.I. null null

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.9241 of 2015)

For the Petitioner/s : Mr. Prakritita Sharma

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

(In Cr.Misc. No.9444 of 2015)

For the Petitioner/s : Mr. Raj Nath Sharma

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

(In Cr.Misc. No.14172 of 2015)

For the Petitioner/s : Mr. Vinod Gautam

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

(In Cr.Misc. No.11719 of 2015)

For the Petitioner/s : Mr. Suraj Nr. Pd. Sinha, Sr. Advocate

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

(In Cr.Misc. No.11922 of 2015)

For the Petitioner/s : Mr. Suraj Nr. Pd. Sinha, Sr. Advocate

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

(In Cr.Misc. No.14761 of 2015)

For the Petitioner/s : Mr. Suraj Nr. Pd. Sinha, Sr. Advocate

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

(In Cr.Misc. No.21155 of 2015)

For the Petitioner/s : Mr. Suraj Nr. Pd. Sinha, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 09-07-2015 With the help of these applications, made under Section 438 of the Code of Criminal Procedure, pre-arrest bail has been sought for by the petitioners, namely, Som Pal Singh Saini, Satyendra Kumar, Mithilesh Prasad Mishra, K.Venkata Phani, K. Venkata Rao, S.R.K.Prasad @ Surapanenv Ram, J.Ramkrishna, in connection with Special Case No. 08 of 2011, RC No. 12A of 2011 under Sections 120-B/409/420/467/468/471/477A of the Indian Penal

Code and Sections 13(2) read with 13(1)© & (d) of the Prevention of Corruption Act, 1988.

Perused the above application, materials available in the case-diary and materials on record including a copy of the order, dated 12.02.2015, passed, in Spl. Case No. 08/11 arising out of RC no. 12(A)/11, by the learned Special Judge, C.B.I.-III, Patna, rejecting the said application for pre-arrest bail.

Heard Mr. Suraj Narayan Pd. Sinha, learned Senior counsel for the petitioners, and Mr. Bipin Kumar Sinha, learned Standing Counsel, appearing for the C.B.I.

The High Court, while exercising its powers under Section 438 Cr.P.C., stands on the same footing as does a Sessions Judge inasmuch as a High Court and Sessions Judge have coordinate jurisdiction, while exercising power under Section 438 Cr.P.C.

Perusal of the case diary reveals sufficient materials against the petitioners.

Because of the nature of incriminating materials available against the petitioners, this Court is of the view that in the facts and attending circumstances of the present case, the petitioners have not been able to make out any case calling for giving them benefit of pre-arrest bail.

In the circumstances indicated above, the petitioners cannot be given the benefit of pre-arrest bail.

While, therefore, declining to grant pre-arrest bail to these petitioners, it is hereby made clear that if the petitioners appear in the Court of learned Special Judge, C.B.I.III, Patna, in connection with the case aforementioned and apply for regular bail, the learned Court below shall dispose of the same in accordance with law, at the earliest, bearing in mind the fact that if the petitioners' presence for the trial is secured, the petitioners shall, ordinarily, be allowed to go on bail unless there is genuine apprehension of the petitioners adversely influencing the witnesses, who may be acquainted with the facts of the case or causing delay of the trial

In view of the above and in the interest of justice, the prayer for pre-arrest bail is hereby rejected.

(I. A. Ansari, J)

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