

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35584 of 2014

Arising Out of R.C. Case No. -221 Year- 2012 Thana -C.B.I CASE District- MUZAFFARPUR

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Manish Kumar, Son of Shri Daroga Rai, resident of village- Chandrahiya, P.S.-
Kudhani, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar through the C.B.I. Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s

:

Mr.

For the C.B.I.

:

Mr. Sanjay Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-03-2016

Heard learned counsel for the petitioner and
learned counsel for the C.B.I.

The petitioner seeks bail in C.B.I. Case No. RC
01 (E) of 2012 (Trial No. 21 of 2014) arising out of New Delhi
C.B.I./EO-III P.S. Case No. RC- 221/2012/Eooo1 dated
02.01.2012 instituted under Sections 120B/409 of the Indian
Penal Code and 13(2)/13(1)(c) of the Prevention of Corruption
Act, 1988.

Learned counsel for the petitioner submits that
only on account of suspicion he has been arrested without there
being any recovery from him. It is further submitted that the role
assigned to him is that he was one of the persons who had
installed the device through which such fraudulent withdrawal
has been made. Learned counsel submits that he is neither the
beneficiary of the amount transferred nor is connected in any

official capacity with the transaction. It is further submitted that there is no recovery from him and he is in custody since 22.08.2013.

Learned counsel for the C.B.I. submits that the role of the petitioner has been clearly described in the chargesheet field and he was the person who had actually fitted the device in the network through which this fraudulent withdrawal was made which was captured on the CCTV footage and demonstration with regard to the *modus operandi* was also videographed in presence of independent witnesses and thus the petitioner cannot claim innocence. It has further been submitted that similarly situated co-accused namely Umesh Sahu @ Umesh Kumar, Vikas Kumar @ Raja, Nitin Raj Verma and Pawan Kumar Singh have been refused bail by co-ordinate Benches of this Court in Cr. Misc. Nos. 38195 of 2015, 57115 of 2015, 35654 of 2015 and 24032 of 2015.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail. Accordingly, the application stands dismissed.

However, in view of the fact that the petitioner is in custody since 22.08.2013, the Court deems it appropriate to direct the trial Court to conclude the trial within nine months, subject to cooperation by the accused.

Registry shall communicate the order to the Court below for its compliance and the C.B.I. shall ensure that

the prosecution witnesses are produced on the dates fixed by the Court. The Court below shall ensure that the dates are so fixed in the case so that the trial is concluded within the time frame fixed by the Court.

(Ahsanuddin Amanullah, J.)

P. Kumar

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