

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24279 of 2016

Arising Out of PS.Case No. -12 Year- 2013 Thana -C.B.I CASE District- PATNA

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1. Shyam Lal Prasad son of Late Ram Lochan Ram, resident of village-
Marhi, P.S.- Saidraja, Distt.- Chandauli (Uttar Pradesh)

.... Petitioner/s

Versus

1. The C.B.I. through its Director

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal,
Mr. Vijay Anand

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 18.07.2016 At the very outset, it is pointed out that there is some
typographical error in the affidavit filed on behalf of nephew of the
petitioner and accordingly, permission is sought to make correction in
the affidavit.

In my view, petitioner does not have right to make any
correction in the affidavit and he may file another affidavit with regard
to error occurred in the affidavit. Accordingly, petitioner is directed to
file fresh affidavit within the course of the day.

Heard learned counsel for the petitioner as well as learned
counsel for the CBI.

Petitioner is in jail custody since 29.4.2016 in a case
registered under section 13 (2) read with section 13 (I) (e) of the
Prevention of Corruption Act on the accusation that he acquired huge
moveable and immovable properties by corrupt and illegal means.



Learned counsel for the petitioner submits that the petitioner joined railway service in the year 1987 and prior to that he worked in TESCO and ONG from where he got handsome salary but the CBI, while calculating income of the petitioner, intentionally left the above stated income of the petitioner. It is further pointed out that, as a matter of fact, petitioner was made accused in R.C. no. 20(A) of 2012 (Special case no. 14/2012) but he got anticipatory bail by a coordinate bench of this court in that case. It is further submitted that when the petitioner got anticipatory bail in the above stated case, CBI officials lodged this case against the petitioner. It is further submitted that moreover, investigation against the petitioner has already been completed.

On the other hand, learned counsel appearing for the CBI opposes the prayer pointing out that the petitioner was found in possession of huge properties and in course of investigation, sufficient materials have been collected by the CBI.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that investigation against the petitioner has already been completed, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Special Judge CBI III, Patna in Special case no. 09/2013 arising out of R.C. 12 (A)/2013/PAT.

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(Hemant Kumar Srivastava,J)

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