

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37416 of 2016

Arising Out of PS.Case No. -7 Year- 2014 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Bharat Singh @ Bharat Prasad Son of late Nagendra Prasad Yadav Resident
of Village- Maula, P.s. Manner, District Patna.

.... Petitioner

Versus

The State of Bihar through Economic Offence Unit Bihar, Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan, Adv.

For the Opposite Party/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Rajeev Ranjan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 21-11-2016 Heard learned counsel for the petitioner as well as

learned counsel appearing for Economic Offence Unit.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 419, 420, 467, 468, 471, 472,
473, 120B/34 of the Indian Penal Code and Section 66(C), 66(D)
of Information Technology Act, 2000.

Earlier the prayer for bail of the petitioner was twice
rejected by this court along with bail prayer of co-accused,
Satyendra Kumar and some others and this third bail petition has
been filed on behalf of the petitioner on the ground that co-
accused, Satyendra Kumar as well as Surendra Kumar have
already been granted privilege of bail by different Benches of this

court.

Learned counsel appearing for the petitioner submits that prayer for bail of the petitioner was rejected by a co-ordinate Bench of this court on 24.09.2014 in Cr. Misc. No. 31947 of 2014 as well as analogous cases and against that co-accused, Satyendra Kumar went before the Hon'ble Apex Court for grant of bail but the Hon'ble Apex Court turned down his prayer and thereafter aforesaid co-accused again filed bail petition before this court which was allowed by a co-ordinate Bench of this court vide order dated 02.06.2016 passed in Cr. Misc. No. 21337 of 2016 taking note of stage of the trial. It is further submitted that while granting bail to co-accused, Satyendra Kumar in Cr. Misc. No. 21337 of 2016, due to typing mistake in place of word "trial" word "investigation" occurred in para-4 of order dated 02.06.2016 and as a matter of fact, before the concerned Bench, counsel of Economic Offence Unit had pointed out that trial of co-accused, Satyendra Kumar was pending.

Learned counsel appearing for Economic Offence Unit points out that charge against the petitioner has already been framed and the matter is pending for prosecution evidence.

The report of trial court goes to show that up till now, not a single prosecution witness has been examined.

It is informed on behalf of the parties that charge against the petitioner and other accused was framed in the month of March, 2016 and co-accused, Satyendra Kumar was granted privilege of bail in the month of June, 2016 i.e. after framing of the charge.

No doubt, there is serious allegation against the petitioner but in my view, when co-accused, having similar allegation, has already been granted privilege of bail, the petitioner also deserves for similar treatment.

Accordingly, petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Patna in connection with Economic Offences P.S. Case No. 07 of 2014, subject to condition that he shall attend the trial court on each and every date in person for the period of six months or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any genuine cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

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