

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21337 of 2016

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

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Satyendra Kumar son of Late Ram Naresh Prasad @ Ram Naresh Prasad
Yadav resident of Village- Yamunapur, P.S.- Bihta, District- Patna. at
present residing at village- Khedalpura, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

The State of Bihar Through Economic offence Dept., Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Sanjiv Sharan, Adv.

For the E.O.U. : Mr. Akhileshwar Prasad Singh, Adv.
Mr. Rajeev Ranjan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 02-06-2016

Heard learned counsel for the petitioner and learned
counsel for the E.O.U.

In this case, the petitioner is seeking bail in connection
with Economic Offence P.S. Case No. 7 of 2014 registered for offences
under sections 419, 420, 467, 468, 471, 472, 473, 120(B) of the Indian
Penal Code and Section 66(C) and 66(D) of the Information
Technology Act, 2000.

The petitioner had earlier moved before this Court in Cr.
Misc. No. 35313 of 2014 and this Court, vide order dated 24.9.2014,
rejected the bail of the petitioner on merit. The Court has examined
every aspect of the matter and refused to grant bail to the petitioner.
The petitioner, thereafter, moved before Hon'ble Apex Court in Special

Leave to Appeal (Cr.) No. 9056 of 2014 and the Hon'ble Apex Court Court, vide order dated 24.11.2015, rejected the bail of the petitioner with a liberty to renew his prayer for bail before the High Court after six months, when the High Court may consider the application on its own merits and in accordance with law.

This Court now is not required to again go into the merit of the case. This Court asked the learned counsel for the Economic Offence as to in what period, the case is likely to be concluded, whereupon, the learned counsel has submitted that still the investigation has not been concluded and some of the papers are lying in the Railway Board which are required to be examined.

In such circumstances, when the prosecuting agency is not coming forward with a deadline within which the prosecution would complete the trial and the petitioner is in custody since 14.2.2014 i.e. more than two years have already passed. In that view of the matter, this Court would feel that the petitioner should be released on bail.

Accordingly, let the petitioner, namely, Satyendra Kumar, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District Judge (Special Judge, Vigilance-1st), Patna in connection with Economic Offence P.S. Case No. 7 of 2014, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for

cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner will report to the Economic Offence Police Station, Patna by 7th of every month till conclusion of the trial and the petitioner will not hamper in any manner in conclusion of the proceeding of the trial and in case of failure without any valid rhyme or reason, the bail of the petitioner will be treated to have been cancelled.

The prosecuting agency is directed to produce all witnesses as most of the witnesses are official witnesses on day-to-day basis and the court below is also directed to conclude the trial within a period of nine months from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J)

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