

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40363 of 2016

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

=====

1. Amit Kumar Yadav @ Awadhesh Prasad @ Tenya @ Tenya Prasad @ Tengra @ Tegra @ Pahalwan Jee son of Ram Kumar Yadav @ Ram Kumar Singh @ Ram Kumar Prasad Singh resident of Village- Hiranpur, P.O.- Amhara, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through Economic offence Unit Bihar, Patna

.... Opposite Party/s

=====

Appearance :

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

For the EOU : Mr. Akhileshwar Prasad Singh, Sr. Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-11-2016 Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody since 11.04.2014 in connection with Economic Offence P.S. Case No. 07/2014 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) and 66(D) of the Information Technology Act, 2000.

Learned Senior Counsel for the petitioner submits that though the regular bail application was rejected twice by this Court, the matter regarding one of the co-accused persons whose regular bail also similarly situated traversed up to the Supreme



Court where an order was passed that if the trial is not concluded within six months, it would be open to the petitioner therein to renew his prayer for regular bail before the High Court. Accordingly, the said petitioner moved this Court vide order passed in Cr. Misc. No. 21337 of 2016 (Satyendra Kumar Vs. State of Bihar). This Court vide its order dated 02.06.2016 has been pleased to direct the release of the petitioner therein as the prosecuting agency had not come forth as to when the prosecution will complete the trial and accordingly he was directed to be released on bail. Earlier also, one of the co-accused was released on bail in Cr. Misc. No. 17091 of 2014 by order dated 14.07.2014. Thereafter, another co-accused whose bail application had been rejected along with that of the present petitioner has been enlarged on bail in Cr. Misc. No. 32893 of 2016 vide order passed on 19.08.2016. Learned Senior Counsel further submits that even today, for the same said reason, another co-accused, namely, Bharat Singh has been granted bail on 21.11.2016 i.e., today in Cr. Misc. No. 37416 of 2016.

In view of such facts and circumstances, learned Senior Counsel submits that subject to the conditions imposed by this Court as in other case and since the petitioner is facing and co-operating at the trial, he may also be released on bail.

Learend Senior Counsel appearing for the Economic Offence Unit however, submits that the trial is in progress and the prosecution witnesses are now likely to be produced and in all probability, the trial will be concluded shortly.

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 11.04.2014 and more than two years have already passed, in that view of the matter, this Court feels that the petitioner be released on bail.

Accordingly, let the petitioner, namely, Amit Kumar Yadav, 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 Sub-Divisional Judicial Magistrate, 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 co-operate in 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.

The case diary which was received by learned Senior Counsel for the Economic Offence Unit is now being returned for sending down to the Court below.

(Anjana Mishra, J)

Saif/-

U		T	
---	--	---	--