

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22501 of 2017

=====

Umesh Sahu @ Umesh Kumar, Son of Sri Ram Prakash Sahu, Resident of
Mohalla Brindavan Nagar, Ravi Steel Chowk, Jhiri Mod, Kamde, P.S. Ratu
District Ranchi, Jharkhand.

.... Petitioner

Versus

The State of Bihar through C. B. I.

.... Opposite Party

with

Criminal Miscellaneous No.34599 of 2017

=====

Vikas Kumar @ Raja S/o Shri Surendra Chaudhary, R/o Mohalla- Deep
Nagar, Balu Ghat, P.S.- Town, District- Muzaffarpur.

.... Petitioner

Versus

The Central Bureau of Investigation

.... Opposite Party

=====

Appearance :

(In Cr.Misc. No.22501 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Adv.

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

(In Cr.Misc. No.34599 of 2017)

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar (SC,CBI)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

7 06-09-2017 Both the above stated petitions arise out of RC Case

No. 01(E)/2012, (arising out of New Delhi C.B.I. RC Case No.
221 of 2012) registered under Sections 120(B), 409 of the Indian
Penal Code, Section 13(2) read with Section 13(1) (C) of



Prevention of Corruption Act, 1988 and accordingly, a common order is being passed in both the above stated petitions.

Earlier the prayer for bail of the petitioners was twice rejected by this court but while rejecting the prayer for bail of the petitioners on 21.09.2016 passed in Cr. Misc. No. 22597 of 2016 and analogous case, this court directed the trial court to conclude the trial of the petitioners within seven months from the date of receipt of aforesaid order and also pass appropriate orders on pending petitions and furthermore, the C.B.I. was directed to produce its witnesses on day to day basis and the trial court may take the trial of the petitioners on day to day basis. However, the trial court has reported that up till now, only 17 prosecution witnesses could be examined and 37 prosecution witnesses are still left to be examined.

Petitioner in Cr. Misc. No. 22501 of 2017, namely, Umesh Sahu @ Umesh Kumar is in jail custody since 23.05.2015 whereas petitioner in Cr. Misc. No. 34599 of 2017, namely, Vikas Kumar @ Raja is in jail custody since 12.01.2015 and the report of trial court reflects that there is no possibility of conclusion of trial of the petitioners in near future.

Moreover, it would appear from perusal of previous



orders that petitioner in Cr. Misc. No. 22501 of 2017 had filed a petition before the court below seeking permission of the court below to become approver but it appears that up till now, the trial court has not passed any order on the aforesaid prayer of the petitioner in Cr. Misc. No. 22501 of 2017. No doubt, it is alleged that petitioners played important role in committing the present crime in which they made attempt to withdraw amount of near about rupees twenty nine crore from the bank by forged documents as well as RTGS numbers but admittedly, they could not succeed in their attempt and failed to withdraw the aforesaid amount.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind the period of detention of the petitioners in jail custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 50,000/- (Fifty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judicial Magistrate, C.B.I., Muzaffarpur in connection with RC Case No. 01(E)/2012, (arising out of New Delhi C.B.I. RC Case No. 221 of 2012), subject to condition that one of the sureties must be local and holder of landed property and the petitioners shall attend the



trial court on each and every date in person for the period of nine months or till conclusion of their trial whichever is earlier and if they fail to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners after due and proper enquiry.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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

