

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36730 of 2017

Arising Out of PS.Case No. -13 Year- 2014 Thana -C.B.I CASE District- PATNA

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1. Murlidhar Kumar Son of late Shri Pramod Narain Kumar Resident of
Village-Ramgarh, P.O. & P.S.-Kharik Bazaar Dist.-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through C B I Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh
Mr. Ajatshatru

For the Opposite Party/s : Mr. Bipin Kumar Sinha (Sc,Cbi)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 11-10-2017 Heard learned counsel for the petitioner and learned
counsel appearing for the CBI.

Petitioner is languishing in judicial custody since
22.06.2016 in connection with Special Case No. 06/2014, RC
Case No. 13(A)/2014, arising out of CBI/ACB P.S. Case No.
RC0232014A 0013 of 2014 for offences punishable under
Sections 120-B read with Sections 420, 467, 468, 471 of the
Indian Penal Code and Sections 13(2), 13(1)(d) of the Prevention
of Corruption Act, 1988.

The prosecution case, as alleged against the petitioner,
is that while the petitioner was posted as Sub-Postmaster of Sub-
Post office, Gogri between 31.12.2010 to 22.11.2013 the petitioner



along with other accused persons have misappropriated a sum of Rs. 87,04,000/- under National Old Age Pension Scheme by preparing forged list of old age pension beneficiaries by manipulating names, dues of payment, opening fake accounts in the name of fake persons and have violated the ban imposed by the State Government and Postal Department for stoppage of payment after 31st March, 2012.

It has been submitted by the learned counsel for the petitioner that he is innocent, has worked throughout his life in the Postal Department and now he has retired. He submits that no such offence has been committed by him and petitioner has been falsely implicated in the aforesaid case. He further submits that one of the accused persons, who is also named, has been granted privilege of anticipatory bail and the petitioner is languishing in judicial custody for nearly 1½ years. It is submitted that investigation is complete, charge-sheet has been submitted, trial is going on and he is ready to cooperate with the trial on day-to-day basis. He is also agreeable to provide all papers necessary to the CBI during trial as and when demanded.

However, learned counsel for the CBI submits that the trial has commenced and as many as 35 prosecution witnesses



have to be examined and five witnesses have already been examined. Petitioner has been charged of misappropriation of Government money which was to be paid to the old age persons.

Bail application of the petitioner was earlier rejected by order dated 14.12.2016 passed in Cr. Misc. No. 50865 of 2016.

Considering the fact that the trial has commenced and the petitioner undertakes to cooperate in the trial, let petitioner, above named, be enlarged 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 Special Judge, CBI Court II, Patna, in connection with Special Case No. 06/2014, RC Case No. 13(A)/2014, arising out of CBI/ACB P.S. Case No. RC0232014A 0013 of 2014, subject to the condition that both the bailors would be a close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner, petitioner will not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer. He should remain present before the trial court on all dates fixed and failure to appear on two consecutive dates without assigning any reason and without



permission of the appropriate court or the Superintendent of Police, CBI, will entail cancellation of his bail bonds. The petitioner shall submit his passport, if any, before the Special Judge, CBI where the trial is going on, which will only be delivered to him with the permission of the learned trial court. The CBI is given liberty to file appropriate application for modification/ recalling the order passed today, if for any reason, the petitioner violates any of the conditions imposed by this Court.

(Nilu Agrawal, J)

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