

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48561 of 2018

Arising Out of PS. Case No.-9 Year-2018 Thana- C.B.I CASE District- Patna

Ramesh Kumar Raman, son of Late Asharfi Yadav, resident of Mohalla-Sattar, P.S.- Bihra, Distt.- Saharsa.

... .. Petitioner

Versus

The Union of India Through The C. B. I.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Adv. Mr. Chandra Mohan Jha, Adv.
For the Opposite Party/s	:	Mr. Bipin Kumar Sinha (Sc,Cbi)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 19-09-2018 Heard Sri Sandeep Kumar, learned counsel, assisted by Sri Chandra Mohan Jha, learned counsel for the petitioner and Sri Bipin Kumar Sinha, learned Standing Counsel for Central Bureau of Investigation.

The sole petitioner, who is in custody since 06-06-2018 in Special Case No. 39 of 2018 (arising out of RC Case No. 9(A) of 2018) registered for offence under Section 7 of the Prevention of Corruption Act, 1988, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that the petitioner was posted as Parcel Clerk at Saharsa Railway Station and he was apprehended on an allegation of demanding and accepting the bribe. It has been argued by



learned counsel for the petitioner that in this case, nothing was recovered from the possession of the petitioner, rather recovery was made from possession of one of coolie of the Saharsa Railway Station and it was alleged, as if, the said coolie was agent of the petitioner and on his behalf, the coolie had obtained illegal bribe money from the complainant. It has also been argued that despite the fact that after investigation, chargesheet was submitted on 31-07-2018, no further progress in the case has taken place.

Sri Bipin Kumar Sinha, learned Standing Counsel for Central Bureau of Investigation has vehemently opposed the prayer for grant of bail. He submits that before trap, the accusation was verified and the complainant was sent with voice recorder. The conversation established that the petitioner was demanding money in respect of each packet and thereafter, a trap team was prepared and one of coolie had accepted Rs. 4800/-, which has been recovered and post trap memo was prepared, which corroborated that the recovered currency notes were same currency note, which was mentioned in the pre trap memo. However, learned Standing Counsel for Central Bureau of Investigation submits that presently, since notification of the State Government has not been issued authorizing for



conducting the present case, there is possibility of delay in commencement of trial. However, he assures that after the power is delegated, the prosecution will take all steps, so that the case may come to its logical end within six months.

Be that as it may, fact remains that till date after submission of chargesheet and cognizance, no further progress has taken place and, as such, without any fault in initiation of proceeding, certainly the petitioner may not be allowed to remain in custody for indefinite period.

Accordingly, let the petitioner, namely, Ramesh Kumar Raman, 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, C.B.I. 1st Patna in connection with Special Case No. 39 of 2018 (arising out of RC Case No. 09(A) of 2018).

(Rakesh Kumar, J.)

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