

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48232 of 2018

Arising Out of PS. Case No.-74 Year-2014 Thana- KOTWALI District- Munger

Om Prakash Yadav, Son of Umesh Kumar Yadav@ Cheddi Yadav, Resident of
Mohalla- Kasim Bazar, P.S. Kasim Bazar, District- Munger.

... .. Petitioner

Versus

The State of Bihar through Economic offence Department

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Sumeet Kumar Singh, Adv.
For the Opposite Party/s :	Mr. V.N.P Sinha (Eou), Sr. Adv. Smt. Soni Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 29-08-2018 Heard Sri Sumeet Kumar Singh, learned counsel for the petitioner and Sri Vishwanath Prasad Sinha, learned Senior Counsel, assisted by Smt. Soni Srivastava, learned counsel for the Economic Offences Unit.

The sole petitioner, who is in custody since 14.03.2018 in Special Case No.37(A) of 2014 , arising out of Kotwali (Munger) P.S. Case No.74 of 2014 registered for the offence under Sections 406, 409, 420, 467, 468, 471, 120(B) of the Indian Penal Code, Sections 7,12, 13 and 14 of the Prevention of Corruption Act, 1988 and Sections 65, 66(ii) and 72 of the Information Technology Act, has prayed for grant of bail.

Learned counsel for the petitioner, at the very outset, has drawn my attention to Annexure-1/A to the petition i.e. order



dated 15.02.2017 passed in Cr.Misc.No.15706 of 2016 to show that earlier the petitioner was granted privilege of anticipatory bail. However, since condition was imposed to deposit an amount of Rs.10,00,000/- (ten Lakhs), the petitioner had earlier filed a modification petition and he also went to the Hon'ble Supreme Court for the same purpose, but the Hon'ble Supreme Court also did not interfere in the matter. Accordingly, due to non-furnishing the amount as per the order dated 15.02.2017, the petitioner himself surrendered before the court below and he is continuing in custody since then. Learned counsel for the petitioner submits that the allegation appears to be technical in nature.

Sri Vishwanath Prasad Sinha, learned Senior Counsel appearing on behalf of Economic Offences Unit has vehemently opposed the prayer for grant of bail on the plea that due to omission and commission of the petitioner, the State Government has suffered loss of about Rs.50 Lakhs.

Be that as it may, considering the fact that earlier the petitioner was already extended the privilege of anticipatory bail and due to non-fulfilment of amount, he is in custody and considering the period of custody, let the petitioner, namely, Om Prakash Yadav 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, Vigilance 1st ,
Patna in connection with Special Case No.37(A) of 2014,
arising out of Kotwali(Munger) P.S. Case No.74 of 2014.

(Rakesh Kumar, J.)

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