

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8130 of 2018

Arising Out of PS.Case No. -18 Year- 2017 Thana -C.B.I CASE District- PATNA

=====

KAMESHWAR KUMAR THAKUR @ KAMLESHWAR KUMAR THAKUR @ K.K. THAKUR. S/o Madhev Thakur, Parcel Office, EC Railway, Raxaul Junction and Permanent R/o Village- Shreepur, P.O.- Moricha, P.S.- Sajitpur, District- Chapra.

.... Petitioner/s

Versus

The Central Bureau of Investigation.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC,CBI)
Mr. Ritwaj Raman, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-03-2018 Heard learned counsel for the petitioner and learned counsel for the CBI.

The petitioner has been in custody since 02.11.2017 in connection with a case being Special Case No. 06 of 2017 and now the case has been transferred from Special Judge, CBI 1st to Special Judge, CBI –III and is numbered as Special Case No. 09/2017 arising out of R.C. No. 18A/2017 for the offence registered under Sections 7 of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the petitioner was taken into custody on the basis of trap laid against him where he was posted. It is further submitted that



the petitioner is a Parcel Babu posted at Raxual Junction and had been demanding bribe from the complainant, who was trying to get his consignment released from the Railways and since the items were flower and Betel which are perishable items, the petitioner in his capacity as a Parcel Babu had been demanding gratification for release of such items from the railways.

Learned counsel for the petitioner submits that some recorded conversations were played and a trap was laid in which it was alleged that the petitioner had demanded a sum of Rs. 23,000/- which was subsequently reduced to 18,000/- and finally a sum of Rs. 8,000/- exchanged hands, which was duly witnessed by the members of the trap team and other independent witnesses. The currency notes which were seized from the table of the petitioner as Parcel Babu were put to test and the same were sent for examination. It is under such circumstances that the petitioner was taken into custody and has been languishing in jail since 2nd of November, 2017. It is further submitted that whatever be the facts and circumstances of the case, charge-sheet has been submitted and the petitioner is willing to co-operate at each stage. The documents and other necessary papers which would be required in the trial are



already in the custody of the CBI and there is no chance of tampering with the evidence. He further submits that as and when required, the petitioner shall present himself before the Investigating Agency and also before the Court for ensuring that the trial proceeds and reaches its logical conclusion.

Mr. Bipin Bihari Sinha, learned counsel for the CBI, resists the prayer for bail of the petitioner, as the petitioner was caught red handed while accepting the bribe. He further submits that tendency of such persons is to evade the process of trial. Therefore, till the framing of charge, he may not be released on bail. It is further submitted that in such instances where trap cases are held, the accused, normally, after being released from custody evades the process of court which leads to long pendency of such trial.

However, learned counsel for the petitioner submits that such a situation will not arise, as the amount involved is Rs. 8,000/- and the petitioner would abide by whatever the terms and conditions are endorsed by this Court and if released on bail, he shall appear before the Court as and when so required.

Having heard learned counsel for the petitioner and learned counsel for the CBI, and that the petitioner has already



been in custody for about 4 months and the charge-sheet has been submitted, it is directed that the petitioner, above named, 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 Special Judge, CBI-III, Patna in connection with Special Case No. 06 of 2017 arising out of R.C. No. 18A/2017 and now the case has been transferred from Special Judge, CBI- I to Special Judge, CBI –III and is numbered as Special Case No. 09/2017.

It is further directed that no sooner he is released from custody, the Court shall fix a date for supplying the entire police papers to the petitioner and if on such date, the petitioner does not appear before the Court below, it shall be open to the trial Court to cancel his bail. It is further directed that one of the bailors of the petitioner shall be his father, who shall keep the Court apprised of the movements of the petitioner. The trial Court is also directed to ensure that the charge is framed within a reasonable period of three months and thereafter, the Court shall proceed to expedite the trial and dispose of the same within a period of one year after framing of the charge. It is made clear that if the petitioner does not appear before the trial Court on more than two consecutive



dates, it is further open to the trial Court to cancel his bail.

(Anjana Mishra, J)

Jagdish/-

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

