

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64 of 2018

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

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Vijay Kumar Son of Late Maheshwar Prasad, Resident of Village-Borna,
Police Station Gogri, District Khagaria (The then In-Charge Branch Post
Master Borona Sakha, Post office Village & P.O. Borona, Police Station
Gogri, District-Khagaria.

.... Petitioner/s

Versus

The Union of India through Central Bureau of Investigation

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Bipin Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-01-2018 Heard learned counsel for the petitioner and Mr. Bipin
Kumar Sinha, learned counsel for the C.B.I.

This is the second round of litigation. Earlier prayer for
bail of the petitioner was rejected vide order dated 17.05.2017
passed in Cr. Misc. No. 53365 of 2016.

Petitioner is languishing in judicial custody since
11.08.2016 in connection with Special Case No. 06 of 2014
arising out of R.C. Case No. 13A of 2014 for offences punishable
under Sections 120B/420/468/471 of the Indian Penal Code and
Section 13 (2)/13 (1) (d) of the Prevention of Corruption Act,



1988.

The prosecution case as alleged against the petitioner is that while he was posted as postal peon attached to Borna post office which is under Sub Post Office, Gogri, Khagaria, he was made in-charge post master of Borna Post Office. Allegation upon the petitioner is that he misappropriated Rs. 50,34,600/- by opening fake S.B. account in the name of fictitious persons and diverted National Old age pension scheme by preparing forged list of old age pensioner and withdrew payment although State Government had issued orders for stoppage of payment after 31st March, 2012.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case and that one of the co-accused has been granted the privilege of anticipatory bail. He submits that he is ready to co-operate in the trial and provide all necessary papers. He submits that sub postmaster has already been granted the privilege of bail by this Court in Cr. Misc. No. 36730 of 2017 on 11.10.2017 and the petitioner is languishing in judicial custody since nearly one and half years. He undertakes to co-operate in trial and provide all necessary papers.



However, learned counsel for the C.B.I. opposes the prayer for bail stating therein that the petitioner along with two others were alleged to have misappropriated pension of old age pensioner by manipulating names and making payment to fake persons.

Considering the facts and circumstances and the materials on record and since trial has commenced and the petitioner undertakes to co-operate in the trial and provide all necessary papers, 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, C.B.I.-II, Patna in connection with Special Case No. 06 of 2014 arising out of R.C. Case No. 13A of 2014, subject to the conditions 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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