

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21812 of 2017

Arising Out of PS. Case No. -270 Year- 2016 Thana -KOTWALI District- PATNA

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Harihar Nath Jha Son of Late Brajbanshi Jha, Resident of Village-
Mahmadi, P.S.- Patahi, District- East Champaran at Motihari, presently
residing at Flat No.- 402, Dev Kung Apartment, Laxmi Naraya Path, North
S.K. Puri, P.S.- S.K. Puri, Town and District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.32235 of 2017

Arising Out of PS.Case No. -270 Year- 2016 Thana -KOTWALI District- PATNA

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Visheshwar Prasad Yadav @ Bisheshwar Prasad Yadav @ Visheshwar
Prasad Son of Late Hari Lal Yadav, R/o Village- Nista, P.s.- Surya Garha,
in the District of Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar.
2. Vigilance Investigation Bureau, Bihar, Patna.

.... Opposite Parties

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Appearance :

(In Cr. Misc. No.21812 of 2017)

For the Petitioner/s : Mr. P.K. Shahi, Sr. Adv.
Mr. Ansul, Adv.

For the State : Mr. Ajay Mishra, A.P.P.

(In Cr. Misc. No.32235 of 2017)

For the Petitioner/s : Mr. Raj Kamal, Adv.

For the Opposite Party/s : Mr. Rama Kant Sharma(L.O.,I/C.Vigilance)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

ORAL ORDER

8 07-02-2018 Both the above stated petitions arise out of Kotwali

P.S. Case No. 270 of 2016 corresponding to Special Case No. 32

of 2016 registered for the offences punishable under Sections 420,



465, 467, 468, 471, 188, 201, 212, 120-B of the Indian Penal Code and Sections 8/9/13(1) (e) read with Section 13(2) of Prevention of Corruption Act and accordingly, are being disposed of by this common order.

Vide order dated 08.12.2016 passed in Cr. Misc. No. 39141 of 2016 and analogous case, the prayer for bail of the petitioners was rejected by this court giving liberty to them that if their trial is not concluded within four months from the date of receipt/production of copy of the aforesaid order before the court below, the petitioners shall be entitled to renew their prayer for bail. However, it is an admitted position that when the aforesaid order dated 08.12.2016 in Cr. Misc. No. 39141 of 2016 and analogous case was passed, charge had not been framed by the trial court and the aforesaid fact was not brought to the notice of this court. However, it is informed that now, charge has already been framed by the trial court on 24.01.2018 and submission on behalf of the petitioners is that the stage of the case has already been changed.

It is further submitted on behalf of the petitioners that petitioners are languishing in jail custody since 27.06.2016 and 10.06.2016 respectively and, therefore, they should be released on bail.



On the other hand, learned Additional Public Prosecutor appearing for the State opposed the prayer pointing out that prayer for bail of co-accused, Amit Kumar @ Bacha Rai and Lalkeshwar Prasad Singh @ Lalkeshwar Prasad has already been rejected up to Hon'ble Apex Court of this country and, therefore, petitioners do not deserve the privilege of bail.

No doubt, earlier this court vide order dated 08.12.2016 passed in Cr. Misc. No. 39141 of 2016 and analogous case had given liberty to petitioners to renew their prayer for bail after four months, if their trial is not concluded but admittedly, at that time even charge had not been framed and, therefore, in my view, the aforesaid observation was meaningless. Moreover, charge against the petitioners has already been framed on 24.01.2018 and, therefore, in the aforesaid circumstance, I do not think it proper to release the petitioners on bail, at least, at this stage and accordingly, their prayer for bail in connection with Kotwali P.S. Case No. 270 of 2016 corresponding to Special Case No. 32 of 2016 is again rejected.

It is made clear that if the trial of the petitioners is not concluded within four months from today, the petitioners may renew their prayer for bail before the learned trial court itself and if petitioners do so, the trial court shall pass appropriate order on



the bail prayer of the petitioners without being prejudiced by the previous orders of this court. It is also made clear that the trial court, if thinks fit to do so, may take all possible steps to dispose of the aforesaid case within above stated period of four months even by taking the case on day to day basis.

(Hemant Kumar Srivastava, J)

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