

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51294 of 2018**

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, Resident of Village Nista, P.S. Surya Garha in the  
District Lakhisarai. ... .. Petitioner/s

Versus

1. The State of Bihar.
  2. Vigilance Investigation Bureau, Bihar, Patna. ... .. Opposite Party/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate  
For the Opposite Party/s : Mr. Ajay Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

ORAL ORDER

6     12-12-2018                      Heard learned counsel for the petitioner as well as  
  
learned Special Public Prosecutor for the Vigilance and learned  
  
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 420, 465, 467, 471 and  
120B, 188 and 201 of the Indian Penal Code and Sections 8/ 9/  
13 (1) (c) (d) (e) read with Section 13 (2) of Prevention of  
Corruption Act, 1988.

Earlier, the bail prayer of the petitioner was twice  
rejected by this Court but while rejecting the bail prayer of the  
petitioner by this Court vide order dated 7.2.2018 passed in  
Cr.Misc. No. 21812 of 2017 and analogous case, this Court  
directed the trial court to conclude the trial of the petitioner  
within four months and liberty was granted to the petitioner to



renew his prayer for bail if the trial is not concluded within the above stated period of four months. Further, learned trial court vide letter No. 649 dated 15.10.2018 has reported that up-till now only 3 prosecution witnesses out of 51 named prosecution witnesses could be examined.

Learned counsel appearing for the petitioner submits that the then Chairman of the Bihar School Examination Board, namely, Lalkeshwar Prasad Singh @ Lalkeshwar Prasad has already been granted privilege of bail by Hon'ble Supreme Court in Criminal Appeal No. 1496 of 2018 and the Apex Court of this country while granting bail to aforesaid co-accused Lalkeshwar Prasad Singh @ Lalkeshwar Prasad took his period of custody under consideration. He submits that similarly the then Secretary of the Bihar School Examination Board, namely, Harihar Nath Jha, has also been granted bail by this Court. Not only this, several other co-accused have already been released on bail. He further points out that the petitioner is languishing in jail custody since 10.6.2016, therefore, the petitioner should also be released on bail.

On the other hand, learned Special Public Prosecutor appearing for the Vigilance opposes the prayer for bail submitting that the case of the petitioner is quite different to the



case of other co-accused because it is the petitioner, who had played important role in the alleged time.

Since having more or less similar allegation, several co-accused have already been granted privilege of bail and the report of learned trial court reveals that there is no likelihood of conclusion of trial of the petitioner in near future, therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna in Kotwali P.S. Case No. 270 of 2016 giving rise to Special Case No. 32 of 2016.

**(Hemant Kumar Srivastava, J)**

Spd/-

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