

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2100 of 2019

Arising Out of PS. Case No.-1 Year-2016 Thana- Economic Offences, Bihar District- Patna

Jitendra Rai, S/o Rajeshwar Rai, Vill-Bhagwanpur Sarari, P.S-Awtar Nagar,
Distt.-Saran at present residing at post office road, Punaichak, P.S-Shastri
Nagar, Distt.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Economic Offences Unit
2. The Registrar General, Patna High Court, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.B. Ojha, Sr. Advocate Mr. Arvind Kumar Sinha, Advocate
For the E.O.U.	:	Mr. Vishwanath Prasad Sinha, Sr. Advocate Ms. Soni Shrivastava, Advocate
For the State	:	Mr. Bindhyachal Singh, APP Mr. Smriti Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 27-03-2019 Heard Mr. A.B. Ojha, learned Senior Counsel for the
petitioner and Mr. Vishwanath Prasad Sinha, learned counsel
appearing on behalf of the Economic Offences Unit.

The petitioner is in custody since 29.11.2017 in
connection with Economic Offences Case No.01 of 2016
registered for the offence under Sections 420, 466, 467, 468,
471 and 120B of the Indian Penal Code.

The petitioner seeks to renew his prayer for bail
which was earlier rejected by this Court in Cr.Misc No.33432 of
2018, vide order dated 09.07.2018.

It is submitted that the petitioner is an Advocate's



Clerk and has no criminal history. Learned Senior Counsel further submits that the petitioner was made an unfortunate victim on account of the fact that he had identified the deponent of a bail application which subsequently came to be the subject-matter of a criminal case and accordingly he was charge-sheeted and has since been languishing in jail. Learned Senior Counsel further submits that the trial is yet to progress and for no fault of his, the petitioner is languishing in jail. He further submits that he shall take all possible steps to appear in the trial as and when required and not abstain from the court's proceedings as required by the Court in due course.

Learned Senior Counsel appearing on behalf of the Economic Offences Unit, however, submits that the matter in issue is of serious nature and considering such facts and circumstances, the prayer for bail had earlier been rejected for valid reasons and no new cause has now been made out by the petitioner for extending the privilege of bail.

A report in this regard had been called for from the court on 15.02.2019 as in a criminal case, this Court had directed that the trial of the present case be expedited as at that point of time the investigation has not been completed.

A report has been received from the court of Sub-



Judge-I-cum-ACJM-I, Patna stating that the court where the present case was pending, has been vacant since 13.12.2018 and the next date fixed is 27.02.2019 for production of accused Nagina Rai and also hearing on discharge petition dated 06.11.2018 filed by co-accused Abhishek Ranjan. It has further been brought on record that the proceeding against one Sukhdeo Rai has since abated on account of his death.

Considering the entire facts and circumstances and in view of the fact that the petitioner has already been in custody since 29.11.2017, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna in connection with Economic Offence Case No.01 of 2016, subject to the following conditions:

(1) Father of the petitioner will be the bailor.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate



with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

It shall be open to the Economic Offences Unit to seek appropriate legal recourse if the aforementioned conditions are not complied.

(Anjana Mishra, J)

PNM/Rakesh

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