

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76494 of 2018

Arising Out of PS. Case No.-1 Year-2018 Thana- C.B.I CASE District- Patna

Vijay Shankar Prasad, Son of Late Rameshwar Prasad, Resident of Village-
Makhdumpur, Keshri Bhawan, P.S.-Beur, District-Patna.

... .. Petitioner/s

Versus

The Central Bureau Of Investigation, Patna Through Head of Branch
C.B.I./A.C.B., Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Ramakant Sharma, Sr. Advocate
Sri Lakshmi Kant Sharma, Advocate
For the Opposite Party/s : Sri Bipin Kumar Sinha, S.C. (C.B.I.)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 06-02-2019 Heard Sri Ramakant Sharma, learned senior counsel,

assisted by Sri Lakshmi Kant Sharma, learned counsel for the

petitioner and Sri Bipin Kumar Sinha, learned Standing Counsel

for the C.B.I.

This is second attempt for grant of bail on behalf of
the petitioner in R.C. - 1 (A) 2018 (State through C.B.I. Vs
Vijay Shankar Prasad) corresponding to Special Case No. 1 of
2018 registered for the offence under Section 7 of the
Prevention of Corruption Act, 1988. It was a case of trap.
Earlier, the prayer for bail of petitioner was rejected with a view
that trial of the case may come to its logical end without
unnecessary delay and direction was also given to the trial court
to take up hearing in the matter at least twice in a week.



Learned senior counsel for petitioner submits that despite the fact that petitioner is in custody and there is direction of this court, till date no adequate progress has taken place. On last date i.e. on 09.01.2019 this court summoned report from the court below regarding present stage of the case, which has been received and kept at flag 'R' vide letter no. 7 dated 2.2.2019 sent under the signature of learned Special Judge, C.B.I. -II, Patna. Report indicates that in the case after framing of charge evidence has already commenced and till date on record only two prosecution witnesses out of twenty one charge -sheeted witnesses have been examined. It also appears that examination – in – chief has consumed more than 1-2 days. Petitioner is in custody since the month of January, 2018 and there is no possibility of early disposal of the trial, and as such, it would not be appropriate to further detain the petitioner.

Let the petitioner - Vijay Shankar Prasad 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 Additional District & Sessions Judge IIIrd – cum- Spl. Judge C.B.I. - II, Patna / concerned court in connection with Special Case No. 1 of 2018 arising out of R.C. - 1(A) 2018 (State V/s Vijay Shankar Prasad) with condition that one of



the bailors must be blood relation of the petitioner and secondly on each and every date before the trial court petitioner shall remain physically present. If continuously on two dates without prior permission of the trial court petitioner remains absent or if any material is brought on record showing deliberate delay in disposal of the trial from the petitioner's side, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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