

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5600 of 2019

Arising Out of PS. Case No.-360 Year-1983 Thana- SASARAM MUFFSIL District- Rohtas

Deenanath Goswami, Son of Gupteshwar Goswami, Resident of Vill.-
Surajpura, P.S. - Surajpura, District Bhojpur

... .. Petitioner/s

Versus

The State of Bihar through S.P. Vigilance, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra, Advocate

For the Opposite Party/s : Mr. Anjani Kumar, (L.O., Inc., Vigilance)

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 22-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 409 of the Indian Penal Code and Section 5(2) r/w 5(i) of the Prevention of Corruption Act.

The case is of the year 1983. Allegation against the petitioner is that while he was conductor of the bus of Bihar State Road Transport Corporation, he did not supply ticket to the passenger and misappropriated about Rs.25/- (rupees twenty five).

The report of the learned Special Judge, Vigilance, Patna, dated 12th March, 2019 reveals that there is no chance of conclusion of the trial in near future for the reason that the case was transferred from Sasaram without case diary and



correspondence with Superintendent of Police, Sasaram is going on for carbon copy of the case dairy.

Learned counsel for the Vigilance submits that the petitioner is habitual absconder in the case.

If the prosecution is not in a position to conclude the trial even after lapse of such a long period, only the accused cannot be blamed to be non-cooperative. Prosecution cannot be allowed to punish the accused indirectly which it cannot do directly.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Spl. Case No. 82 of 1991 arising out of Sasaram (M) Police Station Case No. 360 of 1983, subject to the condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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