

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16609 of 2020**

Arising Out of PS. Case No.-1 Year-2013 Thana- VIGILANCE District- Patna

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DEVENDRA PRASAD @ DEVINDRA PRASAD Son of Late Shiv Nandan Prasad Special Secretary (Retired), Animal and Fisheries Resource Department, Govenment of Bihar, Patna, resident of Dulari Sadan, Health Institute Road, Beur, P.S.- Beur, Distt - Patna.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Arvind Kumar

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 10-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Yogesh Chandra Verma, the learned Senior Counsel appearing for the petitioner, Shri Arvind Kumar, the learned counsel appearing for the Vigilance and Shri Piyush Lal, the learned counsel appearing for the Patna High Court.

The present petition for grant of regular bail is by way of second attempt at the behest of the petitioner herein inasmuch as the earlier prayer of the petitioner for grant of regular bail in connection with Special Case No. 70 of 2013, arising out of Patna Special Vigilance Unit P.S. Case No. 1 of



2013 registered for the offences punishable under Sections 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988 and Section 120B of the Indian Penal Code, was rejected vide order dated 31.10.2018 passed in Cr. Misc. No. 55957 of 2018.

The allegation is regarding the petitioner having joined the Bihar Administrative Service on 17.06.1980 and is stated to have remained posted on sensitive posts in different capacity at various points of time. It is further alleged that the petitioner was posted as S.D.O., Katihar, D.T.O., Bhagalpur, D.D.C., Banka, Ara etc. and lastly he was posted as Special Secretary, Animal & Fisheries Resources Department, Government of Bihar, Patna. It is the further allegation against the petitioner herein that though he comes from a very poor agricultural labourer family, however, he had indulged in illegal and corrupt practices to acquire huge assets either in his own name or in the name of his family members, including land, building, costly car etc. and upon investigation it has been found that the petitioner has *prima facie* possessed disproportionate assets to the tune of Rs. 82.77 lacs approximately.

Shri Yogesh Chandra Verma, the learned Senior counsel, appearing for the petitioner has submitted that the



petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 03.08.2018. It is further submitted that while rejecting the earlier prayer of the petitioner for grant of regular bail, a co-ordinate Bench of this Court vide order dated 31.10.2018 had directed the learned trial court to expedite the trial and conclude the same within a period of one year. However, no progress whatsoever has been made and, in fact, the court concerned is also vacant.

The learned counsel appearing for the Hon'ble High Court, Shri Piyush Lal, Advocate has submitted that the vacancy has now been filled and concerned court is functioning regularly.

The learned counsel for the Vigilance, Shri Arvind Kumar, has vehemently opposed the prayer of the petitioner for grant of regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that though the petitioner is in custody since about two years and the charge has been framed on 13.02.2020 itself, however, there is no progress at all in the pending trial, apart from the fact that the present



situation on account of COVID-19 pandemic is also not conducive for the purposes of holding the trial expeditiously and the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above-named, is directed to be released on regular bail on furnishing bail-bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Patna Special Vigilance Unit P.S. Case No. 1 of 2013, giving rise to Special Case No. 70 of 2013.

It is needless to state that the petitioner shall appear before the learned court below on each and every date so fixed by the learned court below and in the event of his non-appearance on two consecutive occasions before the learned court below, the aforesaid privilege of regular bail being extended to the petitioner, shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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