

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29708 of 2021

Arising Out of PS. Case No.-8 Year-2018 Thana- C.B.I CASE District- Patna

BARUN KUMAR S/o Late Jagdish Prasad Yadav R/o Sahebganj, Lower
Champa Nagar Road, Ward No. -9, P.S.- University, District- Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Union of India through C.B.I., New Delhi, Govt. of India. India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rudal Prasad, Advocate
For the Opposite Party/s	:	Mr.Dr. Mayanand Jha, APP
For the CBI	:	Mr. Bipin Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 08-12-2021 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel appearing for the
C.B.I.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with R.C. Case No.
8A/2018 (Special Case No. 9/2019) arising out of Kotwali
(Tilakmanjhi) P.S. Case No. 554 of 2017 registered for the
offences punishable under Sections 120B, 409, 420, 467, 468,
471, 477A of the I.P.C and Section 13(2) r/w 13(1)(d) of the
Prevention of Corruption Act, 1988.

Allegation against the petitioner is that he along with



other accused fraudulently embezzled the government money.

Learned counsel for the petitioner submits that present FIR has been filed under the aforesaid sections but the cognizance has been taken under Sections 120B, 409, 420, 467, 468, 471 of the I.P.C. It is further submitted that petitioner is in custody since 18.10.2019. Learned counsel further submits that similarly situated co-accused, namely, Sarita Jha has been allowed bail by a co-ordinate Bench of this court vide order dated 04.03.2020 passed in Cr. Misc. No. 60402 of 2019. Similarly, co-accused Hari Shankar Upadhyay @ Hari Shankar has been allowed bail by a co-ordinate Bench of this court vide order dated 17.08.2020 passed in Cr. Misc. No. 40816 of 2019. Similarly, co-accused Binod Kr. Mandal @ Binod Kumar @ Vinod Kumar has been allowed bail by a co-ordinate Bench of this court vide order dated 15.07.2020 passed in Cr. Misc. No. 86875 of 2019. Similarly situated co-accused Arun Kumar Singh has been allowed bail by a co-ordinate Bench of this Court vide order dated 25.03.2021 passed in Cr. Misc. No. 36199 of 2020. Similarly situated co-accused Md. Sarfarazuddin @ Md. Sarfarajuddin has been allowed bail by a co-ordinate Bench of this Court vide order dated 29.11.2021 passed in Cr. Misc. No. 30912 of 2020.



Learned counsel appearing for the C.B.I. opposed the prayer of bail on the ground of materials referred in the charge sheet.

Considering the period already undergone by the petitioner and grant of bail to several other co-accused persons having identical allegation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, C.B.I.-II, Patna in connection with R.C. No. 8(A)/2018 (Special Case No. 09/2019) arising out of Kotwali (Tilakmanjhi) P.S. Case No. 554 of 2017 , subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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