

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21742 of 2020

Arising Out of PS. Case No.-20 Year-2017 Thana- C.B.I CASE District- Patna

SUB LAXMI PRASAD @ SUBH LAXMI PRASAD W/o Late Binoda Nand Prasad Resident of Mohalla- Rani Talab Road, Fatehpur. Ang- Vihar Apartment Block C Near BCE, P.S.- Sabour, Dist- Bhagalpur.

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION (C. B. I.), NEW DELHI Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Opposite Party/s : Mr. A.G

For the C.B.I. : Mr. Bipin Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

16 06-07-2021 Heard Mr. Uday Pratap Singh, learned Advocate for the petitioner and Mr. Bipin Kumar Sinha for the C.B.I.

The petitioner seeks bail in connection with R.C. Case No. 20/A/2017 giving rise to Spl. Case No. 8/2019 instituted for the offences under Sections 406, 409, 420, 467, 468, 471 and 120B of the Indian Penal Code and Section 13(2) read with Sections 13(1)(c) & 13(1) (d) of Prevention of Corruption Act, 1988.

It has been urged on behalf of the petitioner that she is a 78 years old lady and that charge sheet has already been submitted in this case. No good purpose would be served in allowing the petitioner to remain in custody.



Apart from this, it has been submitted that the name of the petitioner transpired in this case only during the course of investigation.

As opposed to the aforesaid contention, learned counsel for the C.B.I. has submitted that the petitioner is the signatory of the cheque through which money was routed to an unauthorized account. He further submits that the submission of the learned counsel for the petitioner that money has been returned to the Government treasury does not absolve the petitioner of the offence. Out of the four cases in which the petitioner has been made accused, in one case, prayer for bail has been refused with an observation that she could renew the prayer for bail after one year. Another case against the petitioner is still pending.

Regard being had to the nature of accusation, I am not inclined to release the petitioner on bail for the present.

Accordingly, the prayer for bail is rejected.

However, if there is no substantial progress in the case within the next six months, it would be open for the petitioner to approach the court below for grant of bail. In the event of the court below not acceding to the prayer of the petitioner, he would be under an obligation to record the reason for the tardy progress of trial.



The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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