

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12176 of 2022

Arising Out of PS. Case No.-2 Year-2017 Thana- C.B.I CASE District- Patna

Shankar Kumar @ Shankar Sonar, Son of Shiv Nandan Prasad, Resident of Village- Warsaliganj Main Road, Near Bijli Office, Police Station- Warsaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The Union Of India through the Superintendent Of Police, C.B.I., Patna
2. The Honble High Court through the Registrar General, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Advocate
For the CBI : Mr.Sourendra Pandey, Standing Counsel

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-09-2022 Learned counsel for the petitioner shall remove all the defects pointed out by the stamp reporter within three weeks from today.

Heard Mr. Arvind Kumar Mouar, learned counsel for the petitioner and Mr. Sourendra Pandey, learned Standing Counsel for the Central Bureau of Investigation. No one appears on behalf of the Patna High Court to oppose this application.

This is the 3rd attempt of the petitioner to obtain bail in connection with C.B.I. Case No.RC02(S)/2017 registered for the offences under Sections 120(B), 419, 420, 467, 468 and 471 of the Indian Penal Code.

The prayer for bail of the petitioner was rejected by



this Court at the first instance on 15.06.2020 with an observation that the petitioner may renew his prayer for bail after framing of charge. In his second attempt in Cr.Misc.No.29930 of 2020 this Court vide its order dated 05.04.2021 directed the learned court below to separate the records of the petitioner and to proceed towards framing of charge. The learned court below was directed to consider the application of the petitioner in this regard and pass an appropriate order within three weeks from the said date. This Court further observed that “Once the charge is framed, the petitioner will be at liberty to move this Court afresh. It will, however, be open for the trial court to continue with the trial of the case.”

It appears that the petitioner approached the Hon’ble Supreme Court in Special Leave to Appeal (Crl.) No.5884 of 2021 which was dismissed vide order dated 03.12.2021.

At this stage, learned counsel for the petitioner submits that in the present case charge has been framed on 02.02.2022 (Annexure-6 to the present application). It is his further submission that the petitioner is in custody in connection with this case since 06.11.2019, therefore, he has remained in custody for approximately two years eleven months. It is his



further submission that in the main case being Warsaliganj P.S. Case No.195 of 2014 the petitioner has been acquitted on 25.07.2017 itself from the learned court below and in the two pending cases against him being Nawada P.S. Case No.394 of 2015 and Warsaliganj P.S. Case No.164 of 2015 he has been allowed bail.

Learned counsel, therefore, submits that considering the period of custody and the observations of this Court, the petitioner deserves privilege of bail.

Mr. Sourendra Pandey, learned counsel for the Central Bureau of Investigation has though opposed the prayer for bail of the petitioner, but admits to the extent that the petitioner has remained in custody since 06.11.2019 and the previous observation of this Court granted him a liberty to renew his prayer for bail after framing of charge. It is admitted that the charge has already been framed.

In the given facts and circumstances of the case wherein this Court finds that the petitioner has already remained in custody for two years eleven months in connection with this case and at this stage the charge has already been framed against him and there is no submission on behalf of the Central Bureau of Investigation that his release is likely to result in tampering



with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Magistrate, CBI, Patna in connection with C.B.I. Case No.RC02(S)/2017, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

Certified copy of the order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

