

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33884 of 2022

Arising Out of PS. Case No.-19 Year-2019 Thana- C.B.I CASE District- Patna

Chandeshwar Prasad Yadav, Son of Late Devnandan Prasad Yadav Resident of Village - Madarpur, P.S.- Hillalpur , P.S.- Ganga Bridge, Distt.- Vaishali , At Present residing at N.C. Ghosh Lane, Yarpur, P.S.- Jakkanpur, Distt.- Patna.

... .. Petitioner/s

Versus

Central Bureau of Investigation Through ACB , Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

Mr. Sanjiv Sharan, Advocate

For the Opposite Party/s : Mr. Avanish Kumar Singh, Advocate (CBI)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-09-2022 Heard Mr. Y.C. Verma, learned Senior counsel for the petitioner and Mr. Avanish Kumar Singh who represents the CBI.

The case is registered under Section 13(2) read with 13(1)(b) of PC Act, 1988 in connection with Special Case no.01 of 2020 arising out of RC 19(A)/19.

The prosecution story, in brief, is that the petitioner, the then Senior Section Engineer, Eastern Railway Workshop, Jamalpur, while posted and functioning as Senior Section Engineer, condemned wagon, Eastern Railway Workshop, Jamalpur during the period 01.01.20213 to 31.12.2017 had allegedly acquired huge assets, both movable and immovable, either in his own name or in the name of his family members



disproportionate to known sources of income to the extent of Rs.1,44,30,103/- approximately and which he cannot satisfactorily account for.

Accordingly, the CBI investigated the matter and submitted charge-sheet against the petitioner as also his wife Urmila Devi on 04.01.2021 and subsequently the learned court took cognizance on 03.03.2021.

Learned counsel for the petitioner submits that he was posted at the particular place between 01.01.2013 to 31.12.2017 and he himself had lodged FIR relating to the missing items but subsequently the vigilance wing of the railways investigated the matter and in 2017 the a case was registered against him in which he has been granted anticipatory bail (Annexure-2 to the bail application).

His further submission is that in the disproportionate case, despite the fact that all the documents relating to the money (Rs.1,44,30,103/-) was provided, still he was made accused in this case for which while he was in custody in connection with Special Trial No.PMLA 6/2021, was remanded in this case on 18.01.2022 (as stated in para-16 of the bail application). The last submission is that if granted the privilege of bail, he will abide by all the terms and conditions imposed.



Per contra, Mr. Avanish Kumar Singh, learned counsel who represents the CBI submits that a bare perusal of the FIR would show that not only the petitioner was involved in the selling of the scrapped items that was the valuable materials of the railways, once the vigilance and the CBI investigated the matter, it was found that he is having assets almost 789 % timesmore than what he received as salary. It is his further submission that the petitioner has misused his position while being posted at that particular place and as such he cannot be exonerated of the charges.

Be that as it may, the fact remains that the petitioner has been remanded in this case on 18.01.2022, the investigation is over and the charge-sheet stands submitted and the petitioner ultimately has to face the trial.

Considering the aforesaid facts, this Court is inclined to grant him privilege of bail with strict conditions so that in no case, the trial is hampered in the matter.

Let the petitioner be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac) with two sureties of the like amount each in connection with Special Case no.01 of 2020 arising out of RC 19(A)/19 to the satisfaction of learned Special Judge, CBI, Patna, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner will surrender his passport at the time of his release before the Trial Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences failing which the CBI shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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