

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22758 of 2022

Arising Out of PS. Case No.-4 Year-2018 Thana- C.B.I CASE District- Patna

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DEVESH KUMAR @ DEWESH KUMAR S/O SRI ASHOK SINGH @
ASHOK KUMAR SINGH R/o village- 41 Badi Dariyapur, Jamalpur, P.S.-
Jamalpur, District- Munger, permanent Address- Dewesh Kumar, Proprietor
of M/s Shree Maharani Steel, S/o Sri Ashok Singh @ Ashok Kumar Singh,
R/o village- Indrukh, P.S.- Jamalpur, District- Munger

... .. Petitioner/s

Versus

The Central Bureau of Investigation, Anti Corruption Branch, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shivam
For the Opposite Party/s	:	Mr.Bipin Kumar Sinha
For the CBI	:	Mr. Avinash Kumar Singh, SPP
		Mr. Ambar Narayan, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-01-2023 Heard the learned counsel for the petitioner
and the learned counsel appearing for the CBI.

The petitioner seeks regular bail in connection with R.C. Case No. 4(A) of 2018, registered for the offence punishable under Sections 120B, 409, 420 of the Indian Penal Code and Section 13(2) read with 13(1)(c)&(d) of the Prevention of Corruption Act, 1988.

The case of the prosecution, according to the Chief Vigilance Officer-cum-Senior Deputy General Manager, Eastern Railway, Kolkata, is that



condemned wagons and other excluded fittings worth Rs. 34 crores have vanished from the yards / godowns of the Railways, resulting in loss to the Railways. The complicity of the Railway officials and the contractors have been narrated in the said complaint.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 21.12.2021. It is submitted that the petitioner is a contractor and has got purely business dealings with the Railways, as such, he has got nothing to do with the condemned wagons and other excluded fittings, stolen from the Railway yards/godowns. It is further submitted that there is no recovery of the stolen articles from the petitioner.

Per contra, the learned counsel for the CBI has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials on record, though I am not inclined to admit the petitioner to the privilege of bail at the moment, however, considering the fact that no stolen articles have been recovered from the possession of the petitioner or his house, I deem it fit and proper to grant liberty to the petitioner to renew his prayer for bail, immediately upon framing of charges by the learned trial court.

The present petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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