

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35358 of 2023

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

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DEVESH KUMAR @ DEWESH KUMAR Son of Sri Ashok Singh @ Ashok Kumar Singh Resident of village - 41 Badi Dariyapur, Jamalpur, P.S. - Jamalpur, Distt. - Munger, permanent address - Dewesh Kumar, proprietor of M/s Shree Maharani Steel, son of Sri Ashok Singh @ Ashok Kumar Singh, resident of village - Indruk, P.S. - Jamalpur, Distt. - 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. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Purushottam Kumar, Advocate
For the C.B.I.	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Avanish Kumar Singh, S.P.P., CBI Mrs. Barkha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-06-2023 The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with R.C. Case No. 4(A) of 2018-Pat registered under Sections 13(2) read with Sections 13(1)(c) & (d) of the Prevention of Corruption Act, 1988, inasmuch as the earlier petition of the petitioner for grant of bail was dismissed by this Court by an order dated 18.01.2023 passed in Criminal Misc. No. 22758 of 2022.



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/godown. It is further submitted that there is no recovery of the stolen articles from the petitioner.

It is also pointed out that this Court by an earlier order dated 18.01.2023 passed in Criminal



Misc. No. 22758 of 2022, had granted liberty to the petitioner to renew his prayer for bail immediately upon framing of charges by the learned trial court, which has now stood framed on 02.03.2023.

Per contra, the learned counsel appearing for the C.B.I. has though vehemently opposed the prayer for bail but has not denied the fact that no recovery of stolen articles have been made from the petitioner and that this Court had granted liberty to the petitioner to renew his prayer for bail immediately upon framing of charges by the learned trial court.

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 available on record as also considering the fact that no stolen article has been recovered from the possession of the petitioner or his house apart from the fact that this Court had granted liberty to the petitioner to renew his prayer for bail immediately upon framing of charges by the



learned trial court, which have now stood framed on 02.03.2023, though I deem it fit and proper to admit the petitioner to the privilege of regular bail, however, subject to certain conditions, in view of his bad antecedents.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-1st, Patna in connection with R.C. Case No. 04(A) of 2018 (Special Case No. 06 of 2018).

It is needless to state that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

S.Sb/-

(Mohit Kumar Shah, J)

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