

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45352 of 2022

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

SUB LAXMI PRASAD @ SUBH LAKSHMI PRASAD @ SHUBHLAXMI PRASAD W/O LATE BINODA NAND PRASAD R/O MOHALLA- RANI TALAB ROAD, FATEHPUR, ANG-VIHAR APARTMENT, BLOCK-C NEAR BCE, P.S.- SABOUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Adv.
For the Opposite Party/s : Mr.Nivedita Nirvikar, SC-CBI
Mr. Arya Anchit, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 29-03-2023 Heard Mr. Uday Pratap Singh, the learned Advocate for the petitioner and Ms. Nivedita Nirvikar, the learned Standing Counsel for the C.B.I. assisted by Mr. Arya Anchit, the learned Advocate.

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.

The prayer for bail was earlier rejected by this



Court vide order dated 06.07.2021 passed in Cr. Misc. No. 21742/2020.

The petitioner is alleged to be the signatory of the cheque through which money was routed to an unauthorized account.

Mr. Singh, the learned Advocate for the petitioner has submitted that the money has been returned.

This ground was taken by him on the earlier occasion also but this Court had found that return of the money to Govt. Treasury would not absolve the petitioner of the offence. It was also taken note of earlier that the petitioner has been made accused in several cases. As on date, the petitioner has been chargesheeted in about eleven cases, out of which, she has been granted bail in seven of such cases.

In the present case, the petitioner was remanded to custody on 01.02.2020 but she has been languishing in jail since 28.11.2019.

This Court had called for a report about the stage of the case from the court below, which report has been



received. It appears that there has not been any substantial progress in the trial of the case.

The petitioner, as on date, is aged about 80 years and since the chargesheet in this case has already been submitted, there would be no possibility of any tampering of the evidence. Apart from this, it has been submitted that the name of the petitioner had transpired only during the course of investigation.

Considering the afore-noted facts especially the period of custody, the age of the petitioner and the trial not having progressed even a bit, this Court is inclined to grant bail to the petitioner.

The petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I-II, Patna, in connection with R.C. Case No. 20/A/2017 giving rise to Spl. Case No. 8/2019, subject to the following conditions:-

(I) One of the bailors of the petitioner



shall be her close relative.

(II) The petitioner shall appear on all dates before the court below and her unauthorized absence from the court proceedings on three consecutive occasions would entitle the prosecution to move an application for cancellation of the bail granted to the petitioner.

The petition stands disposed of.

(Ashutosh Kumar, J)

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