

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72607 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- C.B.I CASE District- Patna

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LAL BABU BHAGAT S/o Late Banshi Bhagat R/o Village- Belbanwa
Shivpuri, P.S.- Motihari (T), Distt- East Champaran.

... .. Petitioner/s

Versus

The Central Bureau of Investigation through Additional Superintendent of
Police, CBI/ACB/ Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Sr. Adv.
Ms. Priyanka Singh, Adv.

For the Opposite Party/s : Ms.Nivedita Nirvikar, Sr. Adv.
Mr. Avinish Kumar Singh, S.P.P. CBI
Mr. Ambar Narayan, Adv.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 07-04-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard Mr. Yogesh Chandra Verma, the learned Senior

counsel for the petitioner as well as the learned counsel for the

Central Bureau of Investigation (CBI).

The petitioner is seeking regular bail in connection

with Special Case No. 7 of 2022, arising out of RC No. 09(A) of

2022, registered for offence punishable under section 120(B) of

the Indian Penal Code and section 7 of the Prevention of

Corruption Act, 1988.

The allegation against the petitioner is that he



accepted illegal gratification for facilitating smooth business of scrap dealer.

The learned Senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The provision of Prevention of Corruption Act is not applicable in this case. Nothing was recovered from the possession of the petitioner and on exactly similar footing, co-accused Sanjay Kumar Mishra has been granted bail in Cr. Misc. No. 64808 of 2022. He has also submitted that the charges have been framed on 22.12.2022.

On the other hand, the learned counsel for the CBI has opposed the prayer for bail, but has fairly conceded that other co-accused persons on similar footing have been granted bail by the coordinate Benches of this Court.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna in connection with Special Case No. 7 of 2022, arising out of RC No. 09(A) of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of



trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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