

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12634 of 2024

Arising Out of PS. Case No.-11 Year-2010 Thana- C.B.I CASE District- Patna

Liyakat Ali Son of Late Munshi Khan R/o Mohalla- Viskut Vali Gali, Nai Ka
Nagla Nai Basti, P.S.- Hathras, Dist.- Hathras (U.P.)

... .. Petitioner/s

Versus

1. The Central Bureau Investigation (CBI) through its Director, Patna PATNA
2. The Director of CBI, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary, Advocate

For the Opposite Party/s : Mr. Sourendra Pandey, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 04-04-2024 Heard learned counsel for the petitioner and learned
Special P.P. for the C.B.I.

2. The petitioner seeks bail in Special Case No. 49 of
2018, arising out of R.C. Case No. 11(A) of 2010 instituted for
the offences under Section 7 of the Prevention of Corruption
Act.

3. Prosecution allegation, in short, is that the petitioner
demanded bribe from the complainant/informant for processing
and payment of his bills.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.



The present case is misuse of privilege of bail earlier granted to the petitioner. Earlier the petitioner was granted bail in the year 2010 by the learned Court below. The petitioner was directed to appear before the Court below physically on 26.09.2023 but due to fracture in his hand, he could not appear and application under Section 317 of Cr.P.C. was filed but it could not be processed and bail bonds of the petitioner was cancelled and non-bailable warrant was issued against the petitioner. The petitioner is in custody since 14.12.2023 and has no criminal antecedent. Thus, there is misuse of about 79 days. Learned counsel for the petitioner submits that the petitioner is 73 years old persons suffering from various ailments and he undertakes to abide by any conditions imposed by this Court, if released on bail.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, the petitioner being old age person and the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 49 of 2018, arising out of R.C. Case No. 11(A) of 2010, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner will not hamper the trial or temper with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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