

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2888 of 2025

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

Chandeshwar Prasad Yadav, S/o Late Devnandan Prasad Yadav, R/o Village-
Madarpur, PO- Hillalpur, P.S.- Ganga Bridge, Dist. - Vaishali, At present
residing at N.C. Ghosh Lane, Yarpur, P.S. - Jakkanpur, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Central Bureau of Investigation through ACB, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nikhil Kumar Agrawal, Advocate Mr. Yash Sahay, Advocate Mr. Keshav Bhardwaj, Advocate Mr. Kamlesh Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For the CBI	:	Mr. Nilanjan Chatterjee, Advocate Mr. Ujjwal Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 04-08-2025 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of the

State.

2. The petitioner seeks bail in connection with

Special Case No. 6 of 2018 (R.C. Case No. 4(A) of 2018)

registered for the offences under Sections 120B, 409,



420 of the Indian Penal Code and Section 13(2) r/w 13(1)(c)&(d) of the P.C. Act, 1988.

3. The petitioner is named in the F.I.R. and is in custody since 18.01.2022.

4. The brief case of prosecution is that the petitioner being Senior Section Engineer, Eastern Railway Workshop, Jamalpur condemned wagons of Eastern Railway Workshop, Jamalpur during the period of 01.01.2013 to 31.12.2017 and had allegedly acquired huge assets, both movable and immovable, either in his own name or in the name of his family members, which appears, *prima facie*, disproportionate to known source of his income to the extent of Rs. 1,44,30,103/- approximately, to which petitioner failed to supply any satisfactory excuse.

5. At the outset, it is pointed out by the learned counsel for the petitioner that initially, FIR was lodged by Railway Protection Force (RPF) as Jamalpur (Workshop) P.S. Case No. 01 of 2017, which, after considering the



nature of accusations and seriousness, handed over to Central Bureau of Investigation (CBI) for further investigation of this case. Consequent upon, CBI registered two different cases, one as RC Case No. 19(A) of 2019 and second RC Case No. 04(A) of 2018, where petitioner in RC Case No. 19(A) of 2019, lodged by the CBI, is on bail. It is also pointed out that from these two cases of CBI, two ED cases were also registered by Directorate of Enforcement (E.D.) but admittedly calyx of all these cases is Jamalpur Railway (Workshop) Case No. 01 of 2017 and considering the same, it can be said safely that petitioner is a man of clean antecedent.

6. Travelling further, it is submitted by the learned counsel for the petitioner that, in fact, it was the petitioner who reported regarding theft of the scrap wagon of railway from the workshop to the higher authority, but instead of checking such events, he was implicated with the present case. It is pointed out that charge against petitioner has already framed in this case



long back even thereafter out of 65 prosecution witnesses, till now, only 8 prosecution witnesses were examined and as such, in this way, trial is not likely to conclude in the near future. It is said that petitioner certainly cannot be kept behind bars for indefinite period of time in want of trial, which appears *prima facie* his fundamental right *qua* speedy trial. Attention of this Court drawn *qua* ***Hussainara Khatoon and Ors. vs. Home Secretary, State of Bihar*** as reported in ***(1980) 1 SCC 81.***

7. Considering the incarceration period of petitioner, which is of 3 years 6 months and 17 days, learned counsel appearing for the petitioner relied upon the legal report of Hon'ble Supreme Court as available through ***Udhaw Singh vs. Directorate Enforcement, 2025 SCC OnLine SC 357.***

8. Beside the aforesaid, learned counsel for the petitioner also took shelter of Section 479 of the B.N.S.S. (Bharatiya Nagarik Suraksha Sanhita) and taking so



submitted that the maximum punishment for the offence alleged against the petitioner upon conviction even would not beyond seven years against which he almost remained half period in custody as under trial prisoner and, therefore, he is entitled to be released on bail in view of Section 479 of the B.N.S.S. In support of his submissions, learned counsel relied upon the order dated 23.08.2024, as passed in WP(C) No. 406 of 2013 by Hon'ble Supreme Court of India in the matter of **“IN RE-INHUMAN CONDITIONS IN 1382 PRISONS”**.

9. Travelling further, learned counsel for the petitioner has submitted that the only named co-accused person with the present petitioner in FIR, namely, Dewesh Kumar @ Dewesh Kumar has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 35358 of 2023 dated 21.06.2023, almost carrying the same allegations, but fairly conceded that he was the contractor and the present petitioner is a government employee.



10. Explaining further, it is submitted that petitioner had earlier approached this Court also through Cr. Misc. No. 40462 of 2022 dated 29.01.2024, but same was withdrawn simply as to cure the defects, though he fairly conceded that same is not the part of the order, but subsequently submitted that still merit of this case is open to consider as same was not considered thereof.

11. Mr. Nilanjan Chatterjee, learned counsel appearing for the CBI while opposing the prayer of bail submitted that benefit of Section 479 of the B.N.S.S. can be given only upon the petition of jail authority and not considering the petition of individual/petitioner. It is also submitted that as different cases were lodged by CBI and also by ED against the petitioner, having different head of charge, therefore, it cannot be said that petitioner is a man of clean antecedent. Though fairly conceded that these cases arises out of RPF (Workshop) Case No. 01 of 2017. Period of long incarceration of petitioner could not



disputed by Mr. Chatterjee.

12. In view of aforesaid factual submissions and by taking note of the fact as petitioner remained in custody for about 3 years and 6 months, where out of 65 witnesses, only 8 charge-sheet witnesses said to be examined till date, suggesting that trial is not likely to conclude in near future, accordingly above named petitioner, is directed to be released on bail in connection with Special Case No. 6 of 2018 arising out of R.C. Case No. 4(A) of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the B.N.S.S. with further conditions:-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on



medical ground of the petitioner duly
supported by the documents.

(Chandra Shekhar Jha, J)

sauravkrsinha/-

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