

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42485 of 2013

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Vijay Kumar Jha son of Late Fanindra Jha resident of Benta Road,
Balbhadrapur, P.S. Laheriasarai, District-Darbhanga(Bihar).

.... Petitioner/s

Versus

The Union of India Through The Central Bureau of Investigation, Patna
Branch, Patna.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-04-2014

The petitioner has renewed his prayer for bail

in connection with Special Case No. 11 of 2010, arising out of
C.B.I. Case No. RC 20(A) of 2010 registered for the offences
punishable under Sections 120B, 409 of the I.P.C. and Section
13(2) read with Section 13(1)(c)(d) of the Prevention of
Corruption Act.

The prosecution case is that on the
instruction of the superior officers, two raiding teams were
constituted under the leadership of Mr. Anand Kumar(non-
petitioner) and the petitioner when two trucks loaded with betel
nuts were seized between Jogbani and Mirganj and were
brought to the campus of SSB battalion, Bathnaha when
subsequently one of the trucks was allowed to go from the SSB
camp, Bathnaha loaded with betel nuts worth Rs. 24 Lakhs. It
is alleged against Anand Kumar and this petitioner that they
did not prepare any seizure memo or made entry in the GD
Register of SSB Camp, Bathnaha regarding interception of the
two trucks and arresting of the drivers and cleaners of the

truck. Moreover, no entry was made in RP gate in/out Register and Quarter Guard Register of SSB Camp.

The petitioner earlier moved this Court vide Cr. Misc. No. 7801 of 2012 when the application of the petitioner was disposed off with direction to learned Court below to consider regular bail of the petitioner without being prejudiced by the order of this Court, keeping in view the delayed lodging of the F.I.R., petitioner has already retired from the service, investigation has already concluded and it is not the case of the CBI that petitioner has not cooperated during investigation.

The prayer has been renewed on the ground that other similarly situated co-accused Anand Kumar moved the Apex Court, when he was granted interim relief till disposal of the regular bail application and considering the direction of the Apex Court, Anand Kumar has been granted bail by Special Judge, C.B.I.(III), Patna on 14.02.2014.

It is submitted by Mr. Bipin Kumar, learned counsel for the C.B.I that the same privilege can not be conferred to the petitioner since petitioner has not moved before the Apex Court.

Considering the facts and circumstances of the case, this Court sees no reason for learned Court below not to consider the regular bail of the petitioner, on the same footing as that of Anand Kumar and dispose of the bail

application preferably on the same day, if the petitioner surrenders within a period of six weeks in connection with Special Case No. 11 of 2010 arising out of C.B.I. Case No. RC 20A of 2010, pending in the Court of learned Special Judge, C.B.I.(III), North Bihar, Patna.

Accordingly the application is disposed off.

(Dinesh Kumar Singh, J)

Shageer/-