

(2002) 01 PAT CK 0112

In the Patna High Court

Case No : Criminal Miscellaneous No. 100 of 2002

Lalu Prasad @ Lalu Prasad Yadav

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 07-01-2002

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 34, 409, 418, 420
Prevention of Corruption Act, 1988 — Section 13(1), 13(2)

Citation : (2002) 2 PLJR 26

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Prakash Narain Pandey, Chittaranjan Sinha, Anup Kumar Sinha and Anirban Kundu, for the Appellant; Rakesh Kumar, for C.B.I., for the Respondent

Judgement

Narayan Roy, J.—Heard Mr. P.N. Pandey, learned Senior Counsel appearing for the Petitioner and Mr. Rakesh Kumar, Standing Counsel, C.B.I, for the opposite party.

2. By this application, the Petitioner has prayed for grant of regular bail in Special Case No. 64/96 arising out of R.C. No. 63(A)/96 Patna registered under Sections 120B, 409, 420, 418, 467, 477(A) and 34 of the Indian Penal Code and Section 13(2) read with Section 13(1)(s) and (d) of the Prevention of Corruption Act.

3. Learned Counsel for the Petitioner submitted that besides this case, the Petitioner has been made accused in other cases and all the cases registered against him are offshoots of conspiracy part. Learned Counsel further submitted that almost in all cases the Petitioner is on provisional bail and recently, in R.C. No. 47(a)/96 the Petitioner has been admitted to interim bail by the Apex Court vide order as contained in Annexure-5 passed in Criminal Appeal No. 1289 of 2001 arising out of SLP (Crl.) No. 7012 of 2001. Learned Counsel has also submitted that, the Apex Court, taking into consideration the fact that all the cases are offshoots of the conspiracy and also taking into consideration the fact that the Petitioner remained incarcerated for more than nine months, granted

interim bail in R.C. No. 47(A)/96 and there is no dissimilarity in the instant case. R.C. No. 47(A)/96 relates to withdrawal of Rs. 187/- crores from Doranda Treasury, Ranchi whereas in this case withdrawal from Bhagalpur Treasury is about Rs. 47,00,000/-.

4. Mr. Rakesh Kumar learned Standing Counsel, C.B.I, appearing on behalf of the opposite party, however, has vehemently opposed the prayer for grant of regular bail to the Petitioner and submitted that the Petitioner is one of the accused in animal husbandry cases where he has played prominent role in the capacity of the Chief Minister of the State of Bihar and, therefore, serious view should be taken while considering his prayer for grant of regular bail. Mr. Rakesh Kumar, however, could not show any dissimilarity in this case from that of R.C. No. 47(A)/96 where he has been admitted to interim bail by the Apex Court, as referred to above. Moreso, it is stated at the bar that custodial interrogation of the Petitioner is no longer required as he has already been interrogated and investigation is almost complete. From the materials on record, it appears that the Petitioner has remained in custody in all the cases for a total period of more than nine months.

5. Considering the fact and circumstances of the case, Petitioner (Lalu Prasad @ Lalu Prasad Yadav) is directed to be released on interim bail, for a period of three months from the date of his release, on furnishing bail bonds of rupees one lac with two sureties of the like amount each to the satisfaction of the Special Judge, C.B.I. (AHD), Patna in connection with Spl. 64(A)/96 arising out of R.C. 63(A)/96 on the conditions as already laid down by the Apex Court while granting interim bail to him in R.C. No. 47(A)/96.