

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40438 of 2017

Arising Out of PS.Case No. -1 Year- 2012 Thana -C.B.I CASE District- MUZAFFARPUR

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1. Monis Pervaizz @ Monis Parvej @ Mintu, Son of Late Anjum Pervaizz,
Resident of Mohalla- Church Road, Chandwara, P.S.- Town, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The Central Bureau of Investigation

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar (SC,CBI)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 09-11-2017 Heard learned counsel for the petitioner and learned
counsel appearing for the CBI.

Petitioner seeks bail in connection with RC 01
(E)/2012, Trial No. 17 of 2017, arising out of New Delhi CBI RC
Case No. 221 of 2012 for offences punishable under Sections 120-
B, 409 of the Indian Penal Code and Sections 13(2) read with
Section 13(1)(c) of the Prevention of Corruption Act, 1988.

The prosecution case, as lodged by the informant
Regional Manager, State Bank of India, Regional Business Office,
Muzaffarpur, is that fraud was to be perpetuated at its ADB,
Muzaffarpur Branch through RTGS by transferring Rs. 29 lakhs
and odd from the account of Bharat Coking Coal Limited,



Dhanbad to the beneficiary National Farmers Cooperative Ltd., Noida, which was stopped before the amount could be credited.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and his name surfaced during course of investigation. He submits that although it is alleged that a gang was operating and the petitioner had supplied laptop for the alleged transfer of money and other accused persons were alleged to have got the wireless device, log ID and password of the SBI officials, the only allegation upon the petitioner is that he supplied laptop for the alleged transaction. He further submits that the petitioner is in custody in another case since 19.10.2012 and has been remanded in the present case and is languishing in judicial custody since 12.01.2015. It is submitted that in case of other co-accused Umesh Sahu @ Umesh Kumar the prosecution had been directed to complete investigation and conclude the trial within a specific time but it was reported that out of total prosecution witnesses only 17 had been examined by September, 2017, and 37 were still to be examined. It is further submitted that considering the period of custody and the delay in conclusion of trial he may be enlarged on bail. Co-accused Umesh Sahu @ Umesh Kumar and other accused persons have been granted privilege of bail by coordinate



Benches of this Court in Cr. Misc. No. 22501 of 2017 on 06.09.2017, Cr. Misc. No. 35078 of 2017 on 19.09.2017 and Cr. Misc. No. 21556 of 2017 on 19.09.2017 considering the period of custody undertaken by them and, as such, similar treatment be meted out to the petitioner as well.

However, learned counsel appearing for the CBI submits that the petitioner was supplier of the laptop through which such illegal transactions were purported to be done by siphoning of crores of rupees, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judicial Magistrate, C.B.I. Muzaffarpur, in connection with RC 01 (E)/2012, Trial No. 17 of 2017, arising out of New Delhi CBI RC Case No. 221 of 2012, subject to the condition that one of the sureties must be local and holder of landed property and the petitioner shall attend the trial court on each and every date in person for the period of nine months or till conclusion of trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable



explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper enquiry.

(Nilu Agrawal, J)

Rajesh/-

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