

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54993 of 2017

Arising Out of PS.Case No. -18 Year- 2015 Thana -C.B.I CASE District- PATNA

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Ajay Kumar Gupta @ A. K. Gupta, aged about 53 years, S/o Anil Kumar Gupta, Resident of Chhatauni Bazar, P.S.- Chhatauni, P.O.- Motihari, District- East Champaran, at present residing at Bank of India Officer's Quarter, Sector-13, Nerul, Navi Mumbai- 400707.

.... Petitioner/s

Versus

The Central Bureau of Investigation, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary

For the Opposite Party/s : Mr. Bipin Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 17-01-2018 Heard the learned counsel for the petitioner as well as the learned counsel for the C.B.I.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Special Case No. 02 of 2017/ R.C. 18 (A) of 2015 for the offences punishable under sections 120 B read with sections 420, 467, 468, 471 and 477 A of the I.P.C and section 13 (2) read with section 13 (1) (d) of the Prevention of Corruption Act, 1988.

The petitioner is not named in the FIR but during investigation it transpires that the petitioner was the then Branch Manager of Bank of India, Ukhai Bazar Branch at Siwan, Muzaffarpur Zone. Surya Mohan Jha, staff officer of the same



Bank committed fraud and cheating to the tune of Rs. 6,36,871/- upon the Bank and in that forgery and cheating password of the petitioner was used and it reveals that the petitioner was in collusion and conspiracy with Surya Mohan Jha.

Submission is of false implication and that the petitioner has got no antecedent, he is not named in the FIR but cognizance has been taken against him, he happened to be the Branch Manager when the alleged incident took place, Surya Mohan Jha has stolen the petitioner's password, he was very dishonest staff in the Branch, there was single printer which was out of order, the petitioner has not intentionally did anything causing loss to the Bank, Surya Mohan Jha was transferred from that Bank, against the petitioner there is no legal and cogent material and as such the petitioner deserves sympathetic consideration.

The learned counsel for the C.B.I. opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner was in collusion with Surya Mohan Jha, he has not only allowed him to use password rather inspite of knowledge of illegal voucher and transaction dated 06.09.2013 he did not intimate to the higher officer, further he did not stop the salary of Surya Mohan Jha.

In the facts and circumstances stated above,



considering the material available against the petitioner, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of Special Judge, C.B.I-1, Patna.

(Jitendra Mohan Sharma, J)

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