

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20983 of 2020

Arising Out of PS. Case No.-15 Year-2017 Thana- C.B.I CASE District- Patna

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PRAVEEN KUMAR Son of Sri Vishnu Deo Chaudhary Resident of Magadh Colony Road No. 10, P.O. and P.S.- Chandauti, District - Gaya- 823001.

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION, NEW DELHI.

... .. Opposite Party/s

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Appearance:

For the Petitioner : Mr. Sandeep Kumar Shahi,, Advocate
Mr. Mrityunjay Kumar, Advocate
For the CBI : Mr. Bipin Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 15-10-2020 Heard learned counsel for the petitioner and learned counsel appearing for the Central Bureau of Investigation (CBI) through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The petitioner, who is in custody since 05.07.2019, has renewed his prayer for bail in connection with Special Case No. 9/17(R/C-15/A/17) arising out of Bhagalpur Kotwali P.S. Case No. 508/2017 originally instituted for the alleged offences under Sections 409, 420, 467, 468, 471, 120(B), 34 of the Indian



Penal Code, which on takeover by CBI registered under Sections 120(B) read with 409, 420, 467, 468 and 471 of the Indian Penal Code and under Section 13(2) read with 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1998; having earlier been rejected by order of this court dated 16.01.2020 passed in Criminal Miscellaneous No. 63794 of 2019.

3. Mr. Sandeep Kumar Shahi, learned counsel appearing on behalf of the petitioner submits that the petitioner was the then Manager of Indian Bank, Bhagalpur branch and was posted there as such from 31.07.2012 to 07.08.2013. During the said period, it is alleged that the petitioner fraudulently and in conspiracy with other co-accused persons prepared a pay-in-slip on 30.08.2012 for crediting an amount of Rs. 2 crore vide cheque no. 840964 dated 29.08.2012 to the account of Srijan Mahila Vikas Sahyog Samiti Ltd. (for short 'SMVSSL'), as a result of which the amount was duly credited to the said account. It is submitted that on the earlier occasion, the bail petition of the petitioner was rejected, mainly having regard to the fact that the bail petition of co-accused Pankaj Kumar Jha @ P.K. Jha had been rejected by this Court and that there was allegation against him as appearing in paras 13, 14, 15, 19, 22 and 24 of the counter affidavit filed by the CBI. It is however stated that bail has subsequently been granted to the said co-accused Pankaj Kumar Jha @ P.K. Jha by the Hon'ble Apex Court in its order dated 17.07.2020 passed in Criminal



Appeal No. 484 of 2020 having regard to the fact that investigation was complete and, in that sense, further custody of that accused may not be necessary. Another co-accused Hari Shankar Upadhyay @ Hari Shankar has also been granted bail by this Court in its order dated 17.08.2020 in Cr. Misc. No. 40816 of 2019, considering that the aforesaid Pankaj Kumar Jha @ P.K. Jha had been granted bail. Learned counsel for the petitioner further invites reference to paras 16.9 and 16.10 of the charge sheet (Annexure-2) to submit that the allegations against the aforesaid co-accused Pankaj Kumar Jha @ P.K.Jha and Hari Shankar Upadhyay @ Hari Shankar are more severe as they were the persons instrumental in fraudulently opening a current account in the Bhagalpur Central Co-operative Bank Limited, Bhagalpur and inducing investments in the account of 'SMVSSL'.

4. Mr. Bipin Kumar Sinha, learned counsel appearing on behalf of the C.B.I. on the other hand, opposes the bail petition submitting that there is considerable distinction between the case of the petitioner and other co-accused. The Hon'ble Apex Court while granting bail to the co-accused Pankaj Kumar Jha @ P.K. Jha duly considered the fact of his custody since 19.08.2017. Similarly this Court took note that co-accused Hari Shankar Upadhyay @ Hari Shankar was in custody since 21.08.2017. The petitioner of this case has been in custody since 05.07.2019 only. Moreover, the petitioner is accused in two prior cases which have



been registered as Special Case No. 4/2018 (R/C-17/A/17) arising out of Bhagalpur Kotwali P.S. Case No. 513/2017, and Special Case No. 4/2020 (R/C-18/A/07) arising out of Bhagalpur Kotwali (Sadar) P.S. Case No. 545/2017.

5. Be that as it may, let the petitioner above named be released on bail on his completing two years in custody and on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judg-II, Central Bureau of Investigation, Patna in connection with Special Case No. 9/17(R/C-15/A/17) arising out of Bhagalpur Kotwali P.S. Case No. 508/2017, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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