

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15050 of 2021

Arising Out of PS. Case No.-20 Year-2017 Thana- C.B.I CASE District- Patna

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BANSHIDHAR JHA, S/o Sri Janardan Jha, Resident of Gadhaiya Tola
(Budhai Tola), Bhikhanpur, Bhatta Road, P.S. Ishakchak, District Bhagalpur.

... .. Petitioner/s

Versus

Central Bureau of Investigation (CBI), New Delhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in Spl. Case No.8/2019 Cum
RC 20(A)2017 (wrongly mentioned as Spl. Case No.8/2019
Cum RC 20(A)201 in the prayer portion of the bail petition),
arising out of Sadar (Saharasa) P.S. Case No.850/2017,
registered for the offences punishable under Sections 120-B r/w
409, 420, 467, 468 and 471 of the Indian Penal Code as well as
Section 13(2) r/w Sections 13(1)(c) & 13 (1)(d) of Prevention of
Corruption Act, 1988

The prosecution case, in brief, is that the petitioner in
association with other co-accused is said to have embezzled
huge government money, which is known as Srijan Scam.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR and has falsely been implicated in the present case. Name of the petitioner transpires in the case during the course of investigation. It is submitted that during the course of investigation, a laptop was seized from the residential premises of the petitioner in case RC 11(A)2017 (CBI/ACU-V/AC-II/NEW DELHI) and the same was sent to CFSL, New Delhi for obtaining forensic image but the same was not attached or not stated anything about the false statement prepared by the petitioner. It is submitted that the allegation that the petitioner had prepared so called copy of the Bank Statement is false. It is also submitted that the petitioner was remanded in this case on 17.10.2019 however, he is in custody since 12.08.2017 and charge sheet has been filed in the present case.

Learned Standing Counsel for the CBI vehemently opposed the prayer for bail of the petitioner and submits that investigation has revealed that government funds to the tune of Rs.163 Crore was diverted and misappropriated in fraudulent and conspiratorial manner from the account of SLAO, Saharsa to the account of Srijan Mahila Vikas Sahyog Samiti Ltd., Bhagalpur. It is further submitted that during investigation, laptop of accused petitioner was seized and forged statements of account of SLAO, Saharsa was found in his laptop. The



petitioner was actively participated in the criminal conspiracy of misappropriation of government funds by preparing forged account statements in his laptop. It is also submitted that the petitioner has got criminal antecedents as stated in paragraph 4 of the bail petition.

Having considered the facts aforesaid, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge C.B.I.-II, Patna in connection with Spl. Case No.8/2019 Cum RC 20(A)2017 (wrongly mentioned as Spl. Case No.8/2019 Cum RC 20(A)201 in the prayer portion of the bail petition), arising out of Sadar (Saharasa) P.S. Case No.850/2017, subject to the conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to be



cancelled.

(iii) That the petitioner will mark his attendance in the local police station once in a week till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(v) The petitioner is directed to submit his Passport, if any, in the court of learned Spl. Judge C.B.I.-II, Patna.

(Anjani Kumar Sharan, J)

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