

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36199 of 2020**

Arising Out of PS. Case No.-8 Year-2018 Thana- C.B.I CASE District- Patna
=====

Arun Kumar Singh Son of Late Shivshankar Singh Resident of K.C.
Chatterjee Lane, Police Station- Adampur, District- Bhagalpur.

... .. Petitioner

Versus

Central Bureau Investigation, New Delhi.

... .. Opposite Party

=====

Appearance :

For the Petitioner	:	Ms. Nivedita Nirvikar Mr. Dhaneshwar Vashist Mr. Punit Kumar, Advocates
For the State	:	Mr. J.K. Singh, APP
For the C.B.I.	:	Mr. Bipin Kr. Sinha, SC/CBI

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 25-03-2021 Heard learned counsel for the petitioner and learned
counsel appearing for the Central Bureau of Investigation (CBI).
Learned counsel for the petitioner has filed an undertaking to
remove all defects pointed out by the Stamp Reporter as and
when required. It is accordingly directed that all defects pointed
out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 18.10.2019 in
connection with Special Case No. 09/2019 (R.C. Case No.
08/A/2018) arising out of Bhagalpur Kotwali P.S. Case No. 554 of
2017 for the offences alleged under Sections 120B, 409, 419, 420,
467, 468 and 471 of the Indian Penal Code and 13(2) read with
13(1)(c) and (d) of Prevention and Corruption Act, 1988.



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated merely because he happened to be the Branch Manager of the Bank of Baroda, Bhagalpur Branch at the relevant time. It is stated that no objective material with regard to active participation of the petitioner in the Srijan scam has been brought in the charge sheet by the CBI, in which the thrust of accusation of misappropriation of Government funds of Rs. 115,71,61,287/- (One Hundred Fifteen Crore Seventy One Lakhs Sixty One thousand Two Hundred Eighty Seven) is against co-accused Manorama Devi and others. It is therefore submitted that except suspicion, there is nothing to connect the petitioner with the alleged occurrence. Reference is invited to the order of the Hon'ble Supreme Court in Criminal Appeal No. 484 of 2020 (Pankaj Kumar Jha Vs. The State of Bihar & Ors.) in which bail was granted with the following observations -

"5. It is not in dispute that the accused-appellant is in custody since 19th August, 2017.

6. It is fairly accepted by the counsel appearing for the respondent-State that investigation is complete. In that sense, further custody of the accused-appellant may not be necessary."

4. The said order was taken note of and the petitioner who was accused in that case along with said Pankaj Kumar Jha,



was also granted bail by a coordinate Bench of this Court in Cr. Misc. No. 22141 of 2010. So also, co-accused Praveen Kumar was granted bail by order dated 15.10.2020 passed in Cri. Misc. No. 20983 of 2020 (Annexure-C to the counter affidavit). Besides, having regard to the above observations of the Hon'ble Supreme Court, this Bench has granted bail to Narendra Kumar Sinha @ N.K. Sinha, accused along with the petitioner in the present case, in Cr. Misc. No. 46686 of 2019.

5. Learned counsel for the CBI appears and has been heard. A counter affidavit has been filed on behalf of the CBI. It is submitted that ample material in the charge sheet exists which discloses active participation of the petitioner in the entire occurrence. In any event the various accused persons, whether in the present case or in other connected cases, have all been granted bail only upon completion of two years in custody. Admittedly, the petitioner was taken into custody on 12.07.2017 in a connected case vide Special Case No. 7/17 (R.C. Case No. 13/17) and was remanded in the present case, being the Special Case No. 09 of 2019 (R.C. Case No. 08/A/2018) on 18.10.2019. It is therefore submitted that the petitioner is yet to complete two years in custody in the present case to claim parity with the other accused persons.

6. Be that as it may, let the petitioner above named be released on bail on his completing two years in custody in the



present case to be reckoned from the date when he was remanded in the present case, namely 18.10.2019, on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge-II, Central Bureau of Investigation, Patna in connection with Special Case No. 09/2019 (R.C. Case No. 08/A/2018) arising out of Bhagalpur Kotwali P.S. Case No. 554 of 2017, if he is not otherwise required in any other case.

7. 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)

lbrar//-

U		T	
---	--	---	--

