

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30912 of 2020

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

MD. SARFARAZUDDIN @ MD. SARFARAJUDDIN S/o Md. Neezamuddin Resident of Mohalla-Vikramshila Nagar, Kahalgaon, P.S.- Kahalgaon, District-Bhagalpur.

... .. Petitioner.

Versus

The Central Bureau of Investigation, New Delhi.

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Choudhary, Senior Advocate. Mr. Shahzad Hassan Khan, Advocate. Mr. Akshansh Ankit, Advocate.
For the C.B.I.	:	Mr. Bipin Kumar Sinha, Standing Counsel.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

12 29-11-2021 The applicant/accused in Special Case No.9 of 2019 (RC-08A of 2018) arising out of F.I.R. No.554 of 2017 dated 23.08.2017 registered with Police Station-Kotwali (Sadar), Bhagalpur for the offences punishable under Sections 120-B, 409, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code as also under Section 13(2) read with Sections 13(1) (c) and 13(1)(d) of the Prevention of Corruption Act,1988 is seeking his release on bail during the pendency of the trial.

Undisputedly, learned Senior counsel appearing for the applicant submits that, the applicant, who happens to be Manager of the Bank of Baroda, is undergoing pre-trial detention from 25.09.2018.



Heard learned Senior counsel appearing for the applicant/ accused.

He submits that with same allegations, in all eight offences were registered and investigated, initially by the local police and subsequently by the Central Bureau of Investigation. In all eight cases, charge-sheet has been filed. It is further argued by the learned Senior counsel appearing for the applicant that out of those eight cases, the applicant is directed to be released on bail in three cases by this Court. My attention is drawn to the supplementary affidavit along with which these bail orders are annexed by the applicant. With this, it is further argued that there is no possibility of starting and conclusion of the trial in near future and therefore after completion of investigation and on the principle of parity, the applicant is entitled to be released on bail. It is further argued that with same allegations, identically situated accused namely Arun Kumar Singh, who was also Manager of the Bank of Baroda, is directed to be released on bail by this Court in the instant crime vide order dated 25.03.2021 passed in Criminal Misc. No.36199 of 2020.

Learned Standing counsel appearing for the Central Bureau of Investigation opposed the application by contending



that the offence is serious and the applicant misguided the Subordinate Staffs of the Bank.

In the counter affidavit filed by the Central Bureau of Investigation, it is mentioned that in similar offence, the bail application moved by the applicant was rejected by the Hon'ble the Chief Justice vide order dated 27.11.2019 passed in Criminal Misc. No.9690 of 2019.

To counter this contention in the counter affidavit, learned Senior counsel appearing for the applicant drew my attention to the subsequent order dated 29.06.2021 passed by this Court in Criminal Misc. No.3520 of 2021 and argued that in the very same offence, subsequently, the Coordinate Bench of this Court was pleased to grant bail to the applicant despite rejection of the earlier bail application. It is further pointed out that all orders passed in favour of the applicant have attained finality and they are not challenged before the Hon'ble Supreme Court. This fact is not disputed by the learned Standing counsel appearing for the Central Bureau of Investigation.

I have considered the submissions so advanced and also perused the materials placed before me. I have also gone through the F.I.R. registered by the Central Bureau of Investigation in the instant offence in order to ascertain what



were the allegations against Arun Kumar Singh, the Branch Manager of the Bank of Baroda, who is also an accused in the subject crime. Perusal of the F.I.R. shows that the allegations against Arun Kumar Singh and the present applicant are identical.

It is the case of the prosecution that the pay orders issued in the name of the office of the District Welfare Officer were deposited by the Bank in the account of Srijan Mahila Vikas Sahyog Samiti Limited and in this way, the funds of the Government were siphoned by the Officers of the Bank as well as that of the same Cooperative Societies. In all eight offences were then registered and out of those eight offences, the applicant is on bail in three offences. Co-accused Arun Kumar Singh, Branch Manager, with identical role is also released on bail by this Court in this offence vide order dated 25.03.2021 passed in Criminal Misc. No.36199 of 2020. The trial is pending.

In this view of the matter, on the principle of parity and as even in other offences with similar allegations against him, the applicant is already released on bail in at least three cases, the application deserves to be allowed and the same is allowed with the following orders:



(i). The application is allowed.

(ii). The applicant/accused in Special Case No.9 of 2019 (RC-08A of 2018) arising out of F.I.R. No.554 of 2017 dated 23.08.2017 registered with Police Station-Kotwali (Sadar), Bhagalpur for the offences punishable under Sections 120-B, 409, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code as also under Section 13(2) read with Sections 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act,1988 be released on bail on executing P.R. bond of Rs.10,000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should surrender his Passport, if he is holding the Indian Passport before the learned trial court.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order



only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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