

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38626 of 2020**

Arising Out of PS. Case No.-7 Year-2018 Thana- C.B.I CASE District- Patna

Praveen Kumar, Son of Sri Vishnu Deo Chaudhary Resident of Magadh  
Colony, Road No.10, P.O. and P.S.- Chandauti, Distt.- Gaya.-823001

... .. Petitioner/s

Versus

The Central Bureau of Investigation

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sandeep Kumar, Advocate.

Mr. Mritunjay Kumar, Advocate.

For the CBI : Mr. Bipin Kumar Sinha, Advocate.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      13-04-2021                      Heard the parties in virtual Court.

Petitioner is one of the accused in Srijan scam.  
Several cases were registered for embezzlement of public money. The prayer for bail is in connection with Special Case No. 4/2020 (RC2172018A0007) arising out of Bhagalpur Kotwali (Sadar) P.S. Case No. 545 of 2017 registered under Sections 409, 419, 420, 467, 468, 471 and 120B/34 of the Indian Penal Code and Sections 13(2) read with Section 13(1)(d) and 13(1)(c) PC Act 1998.

Allegation against the petitioner is that he conspired with the co-culprits and passed in the capacity of Assistant



Branch Manager 12 DDs/POs on various dates issued in the named of DDC, Bhagalpur and allowed the same to be deposited in the account of SMVSSL. Petitioner is in custody in this case since 21.01.2020.

Learned counsel for the petitioner submits that some other co-accused have already been allowed bail. Investigation of the case is already complete. There is no material to suggest that the petitioner is going to tamper with the evidence. Hence the law does not require further detention as under trial prisoner as held by the Hon'ble Supreme Court in **P. Chidambram Case**.

Co-accused Pankaj Kumar Jha was allowed bail by the Hon'ble Supreme Court in Cr. Appeal No. 484 of 2020 on 17.07.2020 considering custody of Pankaj Kumar Jha from 19.08.2017 and completion of investigation. Thereafter, co-accused Sarita Jha was allowed bail by this Court in Cr. Misc. No. 60402 of 2019 on 04.03.2020 since Sarita was in custody since 12.08.2017.

This petitioner was refused bail by a co-ordinate Bench of this Court in connection with another police case relating to same scam on 02.02.2021 in Cr. Misc. No. 19904 of 2020 with liberty to renew prayer for bail after completion of



two years of judicial custody vide order at Annexure-B to the counter affidavit. In yet another case, the petitioner was allowed bail only after completion of two years of custody vide Cr. Misc. No. 20983 of 2020 on 15.10.2020.

It has been informed that charges have not been framed uptill now.

Mr. Bipin Kumar Sinha, learned counsel for the CBI opposed the prayer for bail by filing counter affidavit on the ground of seriousness of allegation of embezzlement of public money by the petitioner and others.

Considering the facts aforesaid, let the petitioner, above named, be released on bail, **after framing of the charge or on completion of two years of custody, whichever is earlier**, on furnishing bail bond of Rs.50000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Special Case No. 4/2020 (RC2172018A0007) arising out of Bhagalpur Kotwali (Sadar) P.S. Case No. 545 of 2017, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial



of the case, failing which the court below shall be at liberty to  
cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without  
permission of the trial Court.

(Birendra Kumar, J)

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