

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46323 of 2021

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

GYANENDRA KUMAR S/o Late Dr. Gopal Chandra Ghosh R/o Mohalla-
Vikramshila Colony, New Sheopur Colony, Hawaii Adda, P.S.- Tilka Manjhi,
District- Bhagalpur.

... .. Petitioner

Versus

The Central Bureau of Investigation

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2021 Heard learned counsel for the petitioner and learned
counsel appearing for the C.B.I.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Special Case
No. 9/2019 (R.C. 08A / 2018) dated 12.06.2018, registered for
the offences punishable under Sections 34/
120B/409/419/420/467/468/471 of the IPC and charge sheet has
been submitted under Sections 120B read with Sections
409/420/467/468, 471 of the IPC and Sections 13(2) read with
13(1)(c) & 13(1) (d) of Prevention of Corruption Act, 1988.

The case relates to Srijan Scam and allegation against



the petitioner is that he along with other accused persons fraudulently embezzled the government money.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. The name of the petitioner has come during investigation of the case. He further submits that charge sheet has been submitted in this case vide Charge Sheet No. 10/2019. Learned counsel further submits that co-accused Md. Sarfarazuddin @ Md. Sarfarajuddin has been granted bail by a co-ordinate Bench of this court vide order dated 29.11.2021 passed in Cr. Misc. No. 30912 of 2020. It is further submitted that co-accused Barun Kumar has been granted bail by this court vide order dated 08.12.2021 passed in Cr. Misc. No. 29708 of 2021. Similarly, co-accused Atul Raman has also been granted bail by this court vide order dated 07.12.2021 passed in Cr. Misc. No. 23222 of 2021. Similarly, co-accused Arun Kumar has also been granted bail by this court vide order dated 16.12.2021 passed in Cr. Misc. No. 39899 of 2021. Petitioner is in custody since 30.06.2020 in connection with present case.

Learned counsel appearing for the C.B.I. vehemently opposed the prayer of bail submitting that there is sufficient material against the petitioner in the charge sheet. He next



submits that petitioner carries three criminal antecedent and all the cases relate to Srijan Scam as mentioned in Para-3 of the petition.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI-II, Patna in connection with Special Case No. 09/2019 (R.C. No. 08A of 2018 dated 12.06.2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

4. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

5. The petitioner is directed to surrender his Passport, if he is holding the Indian Passport, before the court below at the time of furnishing his bail bonds.

(Rajesh Kumar Verma, J)

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