

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38967 of 2020**

Arising Out of PS. Case No.-19 Year-2017 Thana- C.B.I CASE District- Patna

MD SARFRAJUDDIN Son of Md Nizamuddin Resident of Village -
Vikramshila Nagar, P.S.- Kahalgao, District - Bhagalpur at present - Branch
Manager (Bank of Barado) Gantaghar Branch Bhagalpur.

... .. Petitioner

Versus

The C.B.I through S.P, Patna Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha, Advocate
For the CBI : Mr. Bipin kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 06-07-2021 Heard learned counsel for the petitioner and Mr. Bipin
Kumar Sinha, learned standing counsel for the Central Bureau
of Investigation (CBI).

The petitioner in the present case is seeking regular
bail in connection with R.C. Case No. 19(A) of 2017 (Special
Case No. 7/19) arising out of Kotwali (Tikamanjhi) P.S. Case
No. 517 of 2017 registered for the offences punishable under
Sections 409, 419, 402, 467, 468, 471, 120(B), 34 of the Indian
Penal Code r/w Section 13(2), 13(1), (C), (D) of Prevention of
Corruption Act, 1988.

Learned counsel for the petitioner submits that the
case relates to the SRIJAN Scam and the allegation is that of
illegal transfer of money in the account of SRIJAN. Learned



counsel for the petitioner submits that several cases have been registered in connection with SRIJAN Scam and the petitioner has been made accused in five cases and In some of the cases after noticing that there is no substantial progress in trial, this Court has granted regular bail to the accused. This petitioner has been granted bail in two cases stated in Paragraph-3 vide Cr. Misc No. 3520 of 2021 and Cr. Misc. No. 2205 of 2021.

According to the learned counsel for the petitioner, accused Pankaj Kumar Jha the Managing Director of the Bhagalpur Central Cooperative Bank has been granted bail by Hon'ble Supreme Court in Cr. Appeal No. 484 of 2020 and thereafter several orders have been passed by learned coordinate benches of this Court as well as this Court by which the co-accused who have remained in jail over a year have been granted bail. In the present case also, petitioner has remained in jail for over two and half years but the case is still pending for the appearance of the accused and the trial is not likely to be concluded in near future.

Learned standing counsel for the CBI, Mr. Bipin Kumar Sinha has though pointed out the allegations against the petitioner in the chargesheet but does not deny the fact that in similar kind of allegations in other connected cases the accused have been granted bail after finding that they have



remained in jail and trial has not progressed.

Considering the facts and circumstances of the case and upon noticing that the petitioner has remained in jail in connection with this case for two and a half years but till date the case is pending for appearance of the accused and the trial is not likely to be taken place in near future, there is no submission on behalf of the CBI that release of the petitioner is likely to result in tampering with evidence or otherwise interfering in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge CBI-2nd, Patna in connection with RC Case No. 19(A)/17 (Special Case No. 7/19 CIS No. 10/19) arising out of Kotwali (Tilkamanjhi) P.S. Case No. 517 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly



make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

