

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2203 of 2021**

Arising Out of PS. Case No.-12 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 Baroda) Gantaghar Branch Bhagalpur.

... .. Petitioner/s

Versus

THE C. B. I THROUGH S. P, PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha, Adv.

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

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

4 29-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Bipin
Kumar Sinha, learned Standing Counsel, C.B.I.

Petitioner in the present case is seeking regular bail in
connection with R.C. Case No.12(A) of 2017 (Special Case
No.5/2019) arising out of Kotwali P.S. Case No.499/2017
registered for the offences punishable under Sections 409, 419,
402, 467, 468, 471 and 120(B)/34 of the Indian Penal Code and
Section 13(2), 13(1)(C)(D) of the Prevention of Corruption Act,
1988.

Learned counsel for the petitioner submits that the



petitioner happens to be an employee of Bank of Baroda, Ghantaghar Branch, Bhagalpur. The case relates to illegal transfer of money in the account of SRIJAN from the account of Bhagalpur Central Cooperative Bank. It is also known as SRIJAN scam case.

Learned counsel submits that the petitioner is not named in the FIR and he has not played any role in connection with the alleged offence. He is also not the beneficiary of the money transferred in the account of SRIJAN.

For purpose of grant of bail, learned counsel further submits that considering the fact that SRIJAN scam case is still pending at the stage of framing of charge and the trial is not likely to begin presently the co-accused who were in custody for more than two years have been enlarged on bail by the Hon'ble Apex Court as well as learned coordinate Benches of this Court. Reference has been made to the case of Pankaj Kumar Jha who has been granted bail by Hon'ble Apex Court vide order dated 17.07.2020 passed in Criminal Appeal No.484/2020 and Harishankar Upadhyay vide order dated 17.08.2020 passed in Cr.Misc.No.40816/2019 by a learned coordinate Bench of this Court. There are several other orders.

Mr. Bipin Kumar Sinha, learned SC, CBI confirms



that in this case also charge has not been framed and the petitioner is in custody in connection with this case since 25.09.2018.

Considering the facts and circumstances of the case, the various orders passed in similar matters by which co-accused in those cases have been granted bail by Hon'ble Apex Court as well as learned coordinate Benches of this Court and upon finding that this petitioner is also in custody for almost three years and the charge has yet not been framed, this Court directs that the petitioner above named be released on bail on furnishing bail bond 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.12(A)/17 (Special Case No.5/2019) arising out of Kotwali P.S. Case No.499/2017, subject to the condition 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 he is suspected, and



(c) that such person shall not directly or indirectly make any 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.

(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'.

