

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13523 of 2021**

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

Ram Krishna Jha Son Of Munna Jha Resident Of Brahman Tola, Police
Station- Sabour, District- Bhagalpur. Petitioner

Versus

The Central Bureau Of Investigation (C.B.I.), New Delhi
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan,Advocate

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

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

3 27-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Although the matter was lastly adjourned on the
request of Mr. Bipin Kumar Sinha, learned Standing Counsel for
the CBI to enable him to file a counter affidavit but no counter
affidavit has been filed and learned Standing Counsel for the
CBI submits that the case may be heard and disposed of on the
basis of the materials on the record.

Heard learned counsel for the petitioner and Mr. Bipin
Kumar Sinha, learned Standing Counsel for the CBI.

The petitioner in the present case is seeking regular
bail in connection with Special Case No. 12/2020 corresponding
to RC 14(A)/2017, CBI/ACB/New Delhi arising out of

Bhagalpur Kotwali (Tilka Manjhi) P.S. Case No. 505 of 2017 registered for the offences punishable under Sections 409, 420, 467, 468, 471, 120B of the Indian Penal Code read with Section 34 of the Indian Penal Code. And Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. He is in custody since 15.09.2018.

Learned counsel for the petitioner submits that on perusal of the chargesheet which forms part of the record it would appear that basically there are two allegations against the petitioner. Firstly, that the petitioner while working as a clerk in the Indian Bank branch at Bhagalpur filled a requisition slip for issuance of cheque book. There is no allegation that the petitioner has forged the signature of the account holder. The second allegation is that he had made entry of the issuance of cheque book in the register.

Learned counsel submits that as a part of his duty as a clerk he had rendered his service in the Bank, however, he has been implicated in this case and remanded in altogether six cases relating to Srijan scam.

Learned counsel submits that in this case chargesheet has been filed but till date like all other cases this case is pending for supply of police papers, therefore, there is no

chance of conclusion of trial in near future.

Learned counsel further submits that considering the period of custody of the co-accused as well as the period of custody of this petitioner this Hon'ble Court has granted bail in many cases, some of them are Cri. Misc. No. 6136 of 2021, Cri. Misc. No. 10871 of 2021 and Cri. Misc. No. 6240 of 2021.

It is further submitted that the co-accused Pankaj Kumar Jha who was the then Managing Director of the Bhagalpur Central Co-operative Bank Limited has been granted by the Hon'ble Apex Court in SLP (Crl) No. 1530 of 2020.

Learned counsel further submits that in Srijan scam case itself when one of the accused Prabhat Kumar Sinha who was ex-DDC of Bhagalpur moved this Court for grant of anticipatory bail, his prayer for anticipatory bail was rejected by learned Co-ordinate Bench of this Court in Cri. Misc. No. 41496 of 2019 on 16.06.2020, however, on appeal he has been granted privilege of anticipatory bail by the Hon'ble Apex Court in SLP (Crl) No. 5492 of 2020 vide order dated 09.08.2021. In 4 cases out of six against the petitioner, he has been granted bail considering his period of custody and there being no progress in the trial court.

Mr. Bipin Kumar Sinha, learned Standing Counsel for

the CBI has though opposed the prayer for bail of the petitioner but does not dispute that the allegation against the petitioner in all the cases in which he has been taken on remand are similar in nature and the present case stands on similar footing with those in which he has been granted bail.

Considering the facts and circumstances of the case as discussed hereinabove, since the petitioner is in custody since 15.09.2018 and till date the case is pending for supply of police paper only, there is no chance of commencement of trial in near future and the case of this petitioner being similarly situated in which he has been granted bail, 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, Central Bureau of Investigation-II, Patna in connection with Special Case No. 12/2020 corresponding to RC 14(A)/2017, CBI/ACB/New Delhi arising out of Bhagalpur Kotwali (Tilka Manjhi) P.S. Case No. 505 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

And further condition that in case petitioner is found involved in tampering with evidence or interfering with the course of trial, CBI may file an appropriate application in the learned court of Special Judge, CBI.

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'.