

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3452 of 2021**

Arising Out of PS. Case No.-16 Year-2017 Thana- C.B.I CASE District- Patna

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ATUL RAMAN @ ATUL RAHMAN Son of Vivekanand Sah Resident of
Village - Parvatti, P.S. - Vishwavidyalaya, District - Bhagalpur. A/P- Bank of
Baroda, Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-07-2021 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 learned

A.P.P. for the State.

This is the second attempt of the petitioner to obtain

bail in connection with R.C. Case No.16(A)/2017 (Special Case
No.2/18) arising out of Kotwali P.S. Case No.512/2017
registered for the offences punishable under Sections 409, 419,
420, 467, 468, 471 and 120(B)/34 of the Indian Penal Code read
with Sections 13(2), 13(1)(C)(D) of Prevention of Corruption
Act, 1988.

Learned counsel for the petitioner submits that the



prayer for bail of the petitioner has already been rejected earlier but at this stage what is required to be considered by this Court is that the petitioner has been remanded in this case on 16.11.2017, therefore, three and half years have gone but till date even police papers have not been supplied.

It is further submitted that considering the period of custody and the fact that the investigation is over, the Managing Director of Bhagalpur Central Co-operative Bank namely Sri Pankaj Kumar Jha with similar kind of allegations in the connected case of SRIJAN Scam has been granted bail by the Hon'ble Apex Court in Cr. Appeal No.484/2020 arising out of SLP(Crl.) Nos.1530/2020. It is submitted that several other co-accused have been release on bail.

By filing a supplementary affidavit, the bail orders passed in the case of co-accused have been brought on record. It is pointed out that while rejecting the prayer for bail of the petitioner this Court had observed that this petitioner and co-accused Banshidhar Jha had conspired in the commission of alleged occurrence. Sri Banshidhar Jha has been granted bail now vide order dated 22.02.2021 passed in Cr.Misc.No.30019 of 2020. Learned counsel, therefore submits that in order to maintain uniformity in justice, the petitioner deserves privilege of bail.

Mr. Bipin Kumar Sinha, learned SC, CBI has tried his



level best to oppose this application, but towards the end of his submissions he felt constrained to say that because no progress is taking place in the learned trial court, all the accused are getting benefit of the same and they have got bail. The case of the petitioner stands on similar footing.

Having regard to the facts and the circumstances of the case, in the nature of the materials which have been placed before this Court admittedly the similarly situated co-accused have been released on bail, thus, in order to ensure uniformity in justice, 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 Additional Sessions Judge-3rd-cum-Special Judge, CBI-2nd, Patna in connection with R.C. Case No.16(A)/2017 (Special Case No.2/18) arising out of Kotwali P.S. Case No.512/2017, 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'.

