

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6804 of 2021

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

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AMRENDRA KUMAR YADAV son of Late Sri Ayodhya Gope R/O
MOHALLA- MISHRA TOLA, BADI KHANJARPUR, BHAGALPUR,
BIHAR. PERMANAENT R/O VILLAGE- PRASHASTDIH, P.S.- SABAUR,
DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar through C.B.I. ACU-V, AC-II, New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the CBI : Mr. Bipin Kumar Sinha, SC for CBI

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 07-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with Special Case no. 7 of 2019 (arising out of RC Case no. 19 of 2017) registered under sections 409, 419, 420, 467, 468, 471, 120B and 34 of the Indian Penal Code. Later on charge sheet has been filed under section 120B read with sections 409, 420, 467, 468, 471, and 477A of the Indian Penal Code and section 13(1)(c) & 13(1)(d) of the Prevention of Corruption Act, 1988.

As per the prosecution case, the government fund in conspiracy with the officials of the government as also the Bank officials were illegally transferred to different accounts



temporarily embezzling the fund as also the interest earned thereon. This came to be popularly known as the 'Srijan Scam'.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. Referring to the FIR as also the charge sheet submitted by the Central Bureau of Investigation ('CBI' in short), it is submitted that so far as the allegations against this petitioner is that in conspiracy with the then Executive Engineer DUDA, Bhagalpur, a transfer was initiated of the funds from account of DUDA, Bhagalpur to Karyapalak Abhiyanta Jila Sahri Vikash Abhikaran, Bhagalpur. Instead of directing the Nazir to deposit the cheque in the account of DUDA, it is stated that the then Executive Engineer directed him to hand over the cheque to the petitioner, Nazir of Nazarath office. It is submitted by learned counsel for the petitioner that the petitioner was at no time posted in District Urban Development Agency (DUDA), Bhagalpur rather he was posted as Assistant Nazir in the District Nazarath Office Bhagalpur. He was not responsible for maintaining the books of account of DUDA, Bhagalpur. It is submitted that with respect to the mention of transfer of some amount in the account of his wife, it is stated that soon after realization of the said transfer, the amount was returned on 15.10.2016 itself and the said



allegation is subject matter of Case no. RC 11/2017. The petitioner has remained in custody since 16.10.2019. Further co-accused Ramkrishna Jha has been enlarged on bail vide order dated 28.7.2021 passed in Cr. Misc. no. 6136 of 2021 and Md. Sarfaraj Uddin has been enlarged on bail vide order dated 6.7.2021 passed in Cr. Misc. no. 38967 of 2020. The petitioner undertakes to co-operate in the trial and to abide by the conditions laid by this Court for his release on bail.

The prayer for bail is opposed by learned Standing Counsel appearing for the CBI. Referring to the charge sheet as also the order of the learned Court below rejecting the application for bail of the petitioner, it is submitted that the petitioner along with others was instrumental in preparing pay-in slip showing that the amounts had been deposited in the account of DUDA, Bhagalpur. Further a sum of Rs. 30 lacs was transferred through cheque on 20.5.2016 in the savings bank account of the wife of the petitioner. It is submitted that the case of the petitioner does not stand on a similar footing to that of the other co-accused and as such the application for bail of the petitioner be rejected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, the materials on record, the contents of the FIR and charge sheet, orders granting bail to the other co-accused as also the petitioner having remained in custody since 16.10.2019, the Court directs the petitioner to be enlarged on bail in connection with Special Case no. 7 of 2019 (arising out of RC Case no. 19 of 2017) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd-cum-Special Judge, CBI II, Patna.

It is further directed that the petitioner shall remain either physically present or properly represented in the learned Court below and shall co-operate in the trial. In case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may take steps for cancellation of the bail bond of the petitioner and to take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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