

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.85419 of 2019**

Arising Out of PS. Case No.-15 Year-2017 Thana- C.B.I CASE District- Patna

PRADYUT KUMAR BISWAS @ P.K. BISWAS @ VISHWAS Son of Late
Kalipada Biswas Retired Assistant Branch Manager, Indian Bank, Shyam
Bazar, Kolkata- 700004 Presently residing at - Annapurna, 14/23, Bose Pukur
Road, Flat No.- 2A, 2nd floor, Kolkata, West Bengal- 700042

... .. Petitioner

Versus

THE CENTRAL BUREAU OF INVESTIGATION Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Shankar Chaudhary,Advocate

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

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

15 22-06-2021 Heard Mr. Uday Shankar Chaudhary, 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 Special Case No. 09 of 017, RC-15(A)
of 2017 arising out of Bhagalpur Kotwali P.S. Case No. 508 of
2017 registered for the offences punishable under Section 409,
420, 467, 468, 471, 120(B), 34 of the Indian Penal Code and
Section 13(2) read with Section 13(1)(c) and 13(1)(d) of the
Prevention of Corruption Act.

Learned counsel for the petitioner submits that
Bhagalpur Kotwali P.S. Case No. 508 of 2017 dated 11.07.2017
was registered alleging that during the period 2012-2014 the



officials of the Indian Penal Code Bhagalpur Branch and others have fraudulently embezzled an amount of Rs. 30,25,43,630/- from the current account of the Bhagalpur Central Cooperative Bank.

Learned counsel submits that in course of investigation, it has been alleged that in furtherance to a criminal conspiracy Shri Pankaj Kumar Jha the then Managing Director of the Central Cooperative Bank and others including this petitioner being the then Assistant Branch Manager, Indian Bank Bhagalpur had transferred money belonging to the Bhagalpur Central Cooperative Bank to Srijan Mahila Vikas Samiti Limited (SMVSSL), Bhagalpur.

Learned counsel submits that the case was later on handed over to CBI and the same has been registered as SPL Case No. 9 of 2017 arising out of RC-15(A)/17.

The submission of learned counsel for the petitioner is that in the present case, the investigation is complete and chargesheet has already been filed. The other co-accused who were also implicated in this case alleging that they had entered into a criminal conspiracy to misappropriate the money one of whom has been granted regular bail by Hon'ble Apex Court and some others have been granted bail by learned Co-ordinate



Benches of this Court.

In this connection, learned counsel submits that Mr. Pankaj Kumar Jha, who happened to be the then Managing Director of the Bhagalpur Central Cooperative Bank and is a co-accused in this case has been granted bail by Hon'ble Apex Court in Cri. Appeal. No. 484 of 2020 arising out of SLP (Crl) 1530 of 2020 vide order dated 17.07.2020. It is submitted that following the said order of the Hon'ble Apex Court, the another co-accused Harishankar Upadhyay has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 40816 of 2019 and another co-accused, namely, Subrato Das has been granted bail vide order dated 04.12.2020 in Cri. Misc. No. 25415 of 2020.

Mr. Sinha, learned counsel representing the CBI does not dispute that the petitioner stands on similar footing with the co-accused who were officials of the Indian Bank at Bhagalpur Branch and have been made accused in this case but they have been granted bail by learned Co-ordinate Benches of this Court. At one stage, Mr. Sinha argued that co-accused Praveen Kumar was granted bail in Cri. Misc. No. 20983 of 2020 upon completion of two years of his custody. This argument has been countered by the learned counsel for the petitioner saying that



the co-accused Subrato Das has been granted bail by another learned Co-ordinate Bench even as the period of custody of Mr. Subrato Das was one year three months. So far as this petitioner is concerned, it is admitted that Subrato Das and this petitioner had surrendered together on 09.09.2019. The petitioner is in custody for more than one year nine months.

Having regard to the facts and circumstances of the case wherein, this Court finds that the petitioner has been made accused in this case from conspiracy angle and some of the co-accused who are similarly situated have been granted bail by different learned Co-ordinate Benches of this Court, the investigation against him is complete but the trial is not likely to be completed in near future as the trial has yet not begun, there being no submission on behalf of the CBI that release of the petitioner at this stage is in any way likely to result in tampering with the evidence or interfering with the course of trial, though it is submitted that in future if the petitioner is found involved in tampering with the evidence, the CBI be given liberty to take appropriate steps, this Court directs release of the petitioner above named on bail on furnishing of 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 III cum Special Judge, CBI II, Patna, in connection with Special Case No. 9 of 2017, RC-15(A)/17 arising out of Bhagalpur Kotwali P.S. Case No. 508 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.

It is always open to the CBI to take appropriate steps if the petitioner gets involved in tampering with evidence.

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'.

