

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5556 of 2022

Arising Out of PS. Case No.-16 Year-2012 Thana- C.B.I CASE District- Patna

RAJESH KUMAR Son of Hari Narayan Singh Resident of Village - Rampur
Ramahar, P.S.- Jandaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Central Bureau of Investigation
3. Punjab National Bank

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Rahul Kumar, Adv.
For the Informant Bank(PNB):		Mr. Suresh Prasad Singh no.1, Adv. Kumari Rashmi, Adv.
For the C.B.I.	:	Mr. Avanish Kumar Singh, S.C. to C.B.I.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

12 20-07-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under sections 420, 409, 467, 468, 471 and 120B of the Indian Penal Code and section 13(2) read with section 13(1)(c) and (d) of the Prevention of Corruption Act.

As per the prosecution case, while the co-accused were the Directors of M/s Vaishali Trading Private Limited at the time of sanction of loan, the petitioner was the guarantor who furnished the personal guarantee and mortgaged the property mentioned in the F.I.R. Subsequently, the petitioner became the Director of the company. On the default in payment of loan, proceeding under the SARFAESI Act commenced and it was during taking of possession of the securities that it



transpired that title deeds deposited for obtaining the loan were forged documents.

It is submitted by learned Senior counsel appearing for the petitioner that the prayer for bail of the petitioner was earlier rejected vide order dated 6.4.2021 passed in Cr. Misc. no.31962 of 2020. The petitioner is in custody since 6.3.2020. Not only the investigation has concluded but charge has been framed in the learned trial court on 21.12.2021. The petitioner undertakes to cooperate in the trial.

The prayer for bail is opposed by learned Standing Counsel appearing for the C.B.I. and learned counsel for the Punjab National Bank. It is submitted by learned Standing Counsel appearing for the C.B.I. that there is direct allegation against the petitioner which has transpired in course of investigation and once the petitioner is directed to be enlarged on bail, he will not permit the trial to proceed. Thus, it is prayed that the application be rejected. It is submitted by learned counsel appearing for the Bank that the petitioner remained absconding for a considerable period.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, investigation in the case having concluded and



material against the petitioner substantially being of documentary nature which is already in possession of the prosecution together with the petitioner having remained in custody for over two years and charge having been framed in the learned trial court, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.9 of 2012 (arising out of RC 16(A) of 2012) on furnishing bail bond of Rs.20,000/ (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, C.B.I. 1st, Patna on the following conditions:

- (i) the petitioner shall cooperate in the trial.
- (ii) one of the bailors of the petitioner shall be a close family member of the petitioner.
- (iii) the petitioner shall remain properly represented on each date of the trial and shall remain physically present as and when required or directed by the learned court below.

In case the 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 cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

