IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32415 of 2021

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

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AMRENDRA KUMAR YADAV Son of Late Ayodhya Gope R/o Mohalla-Mishra Tola, Badi Khanjarpur, Bhagalpur, Bihar.

... ... Petitioner/s

Versus

The State of Bihar through CBI, ACU-V, AC-II, New Delhi. Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ravindra Kumar, Adv.
For the Opposite Party/s : Mr. Bipin Kumar Sinha, Adv. (CBI)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 19-01-2022 Heard learned counsel for the petitioner and the learned counsel appearing for the Central Bureau of Investigation through video conferencing.

The petitioner seeks bail in connection with Special Case No. 12 of 2020 arising out of R/C Case No. 14(A)/2017 registered for the offence under Sections 120-B, 409, 420, 467, 468 and 471 of the Indian Penal Code as well as Section 13(1)(d) read with section13(2) of the Prevention of Corruption Act, 1988.

The entire prosecution case relates to a well known scam which is known as SRIJAN Scam. An F.I.R. has come into existence to the effect of illegal transfer and misuse of government funds from the Government Bank

Accounts in Bhagalpur and Saharsa in fraudulent and conspiratorial manner. It is alleged that an enquiry pertaining to the different accounts of District Nazarat, Bhagalpur maintained with Bank of Baroda, RP Road, Ghantaghar, Bhagalpur and Indian Bank, Patel Babu Road, Bhagalpur was conducted and the inspecting team has submitted its report vide letter No. 2372/Ji. Gra. dated 09.08.2017 showing fraudulent deception, financial irregularities and misappropriation of Government funds.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been made accused in this case with an ulterior motive. As a matter of fact, this petitioner was posted as Nazir in the office of District Development Officer, Bhagalpur at the time of the alleged occurrence. After investigation, the C.B.I. has submitted charge-sheet bearing No. 05 of 2020 on 18.03.2020 implicating the petitioner and others alleging therein that in connivance of other co-accused, the petitioner being the Assistant Nazir had obtained the several Demand Drafts from one Om Kumar Srivastava, who was stated to be the then Nazir, to deposit the same in the account of District Magistrate,Bhagalpur but all the Demand

Drafts have fraudulently been credited in the account of SMVSSL.

Learned counsel for the petitioner further submits that the petitioner being a subordinate has only discharged his duties under the supervision of his higher officials. Neither he has transferred even a single farthing in his account nor he has misappropriated the Government fund in any manner Moreover, the C.B.I. in its charge-sheet has not alleged that the petitioner has committed any forgery for the purpose of cheating rather his involvement has shown only to the extent that he has received the Demand Drafts from his superior but not a single chit of paper has been produced to establish the allegation against the petitioner. The petitioner was neither the issuing authority of the alleged Demand Drafts nor he was the beneficiary of the alleged amount mentioned in the Demand Drafts in question. Therefore, the petitioner does not seem to be instrumental in any manner in the alleged occurrence of financial irregularities and the misappropriation of Government funds. Moreover, the co-accused, namely, Ajay Kumar Pandey and Deo Shankar Mishra, having more of less similar allegation, have already been granted bail by different coordinate Benches of this Court vide order dated 07.09.2021 and 10.12.2021 passed in Cr. Misc. No. 6093 of 2021 and Cr. Misc. No. 40045 of 2021, respectively. One more co-accused, namely Sant Kumar Sinha has already been granted bail by this Court vide order dated 16.12.2021 passed in Cr. Misc. No. 41898 of 2021 and another more accused, namely, Ram Krishna Jha, has also been granted bail by a co-ordiante Bench of this Court vide order dated 27.08.2021 passed in Cr. Misc. No. 13523 of 2021. The petitioner is rotting in judicial custody since 19.10.2020.

Learned counsel appearing for the Central Bureau of Investigation has, vehemently, opposed the prayer for bail of the petitioner and submitted that though the petitioner has not been named in the F.I.R., his name has surfaced in the entire episode during course of investigation. The petitioner has also been charge-sheeted in this case vide Charge-sheet No. 05 of 2020 submitted on 18.03.2020 under Sections 120-B read with Sections 409, 420, 467, 468, 471 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the P.C. Act, 1988. He further emphasized on the paragraph Nos. 16.3(B), 16.4(B), 16.6(B) and 16.7(B) of the charge-sheet in which, according to him, role of the petitioner has been specified in the entire case which is quite sufficient for prosecution of the petitioner in this case. Apart from that, he submits that altogether four cases relating to the SRIJAN Scam other than the present one have been registered against the petitioner.

Considering the facts and circumstances of the case and the incarceration of the petitioner, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-II, Patna in connection with Special Case No. 12 of 2020 arising out of R/C Case No.14(A)/2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(4) The petitioner shall surrender his Passport, if he possesses, before the court below at the time of furnishing his bail bonds.

(Rajesh Kumar Verma, J)

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