

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36048 of 2021

Arising Out of PS. Case No.-13 Year-2017 Thana- C.B.I CASE District- Patna

MD. SARFARAZUDDIN @ MD. SARFRAJUDDIN Son of Md. Neezamuddin Resident of Village - Mohalla - Vikramshila Nagar, Kahalgaon, P.S.- Kahalgaon, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

CENTRAL BUREAU OF INVESTIGATION, NEW DELHI. Govt. of India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshansh Ankit, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-01-2022 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. 2 of 2021 (R.C- 13A of 2017) arising out of FIR no. 500 of 2017, Police Station Kotwali (Tilka Manjhi), Bhagalpur registered under sections 120B, 409, 420, 467, 468, 471 and 34 of the Indian Penal Code and sections 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988.

This case arises out of srijan scam. As per the prosecution case the petitioner who was the then Senior Manager posted in the Bhagalpur Branch of the Bank of Baroda is stated to have filled-up a pay-in-slip and deposited the two bankers cheques to the tune of Rs. 8.5 crores and Rs. 61.72 lacs (approx) in the account of Srijan Mahila Vikas Sahyog Samiti Limited ('SMVSSL' in short).

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case only on account of his being posted as the Sr. Manager, in the Bhagalpur Branch of the Bank of Baroda at the relevant time. The allegations are false and concocted. The allegations against the petitioner are mainly based on documents which are in custody of the Investigating Agency. Investigation in the case has concluded with submission of the supplementary charge sheet in which the name of the petitioner transpired. Learned counsel further relies on the order of the Hon'ble Supreme Court dated 17.7.2020 (Annexure-2) passed in Cr. Appeal no. 484 of 2020 to submit that bail was granted to the appellant therein on the investigation having been completed. The investigation in the instant case is complete and the petitioner is in custody since 2.9.2020. He undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court.

The application for bail is opposed by learned Standing Counsel appearing for the C.B.I who referring to the supplementary charge sheet dated 31.12.2020 submits that the petitioner at the relevant time was posted as a Senior Manager in the Bank of Baroda, Bhagalpur Branch. It has transpired in course of investigation that both the bankers cheques to the tune of Rs. 8.5 crores and Rs. 61.72 lacs (approx) were credited in the account of SMVSSL in the Bank of Baroda through pay-in-slips which were filled in the writing of the petitioner and the other staff/officers were not doubting the same for the reason of the petitioner being a senior officer in the Branch. It is submitted that once the petitioner is enlarged on bail he may not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the



material that has transpired in course of investigation and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Special Case no. 2 of 2021 (R.C-13A of 2017) arising out of FIR no. 500 of 2017, Police Station Kotwali (Tilka Manjhi), Bhagalpur on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI-II, Patna subject to the following conditions :

(i) The petitioner shall deposit his passport with the learned trial Court or he shall file an affidavit to the effect that he does not hold a passport.

(ii) One of the bailors shall be a close relative of the petitioner.

(iii) The petitioner shall remain present in Court on each date of the trial. In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation 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)

Prakash/-

U			
---	--	--	--

