

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33033 of 2022

Arising Out of PS. Case No.-5 Year-2019 Thana- C.B.I CASE District- Patna

Amit Ranjan Prasad, S/o Sri Madan Kumar, Resident of House No. 289, West
Lohanipur, Pachkauri, P.S.- Kadamkuan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Central Bureau of Investigation, Patna through Superintendent of Police.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Advocate Mr. Ujjawal Bhushan, Advocate Mr. Neeraj Kumar, Advocate
For the State	:	Mr.Shyameshwar Dayal, APP
For the CBI	:	Mr. Sourendra Pandey, SC, CBI

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-08-2022 Heard learned counsel for the petitioner and learned
counsel for the CBI.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with CBI Case No. RC 05 (S)/2019, in which cognizance has been taken under Sections 120 (B), 420, 468, 471 of the Indian Penal Code against the petitioner and others.

As per the prosecution case, the Executive Director of one Don Bosco Tech Society, namely A.M. Joseph in



conspiracy with its training program Coordinator, who is the petitioner in this case, dishonestly claimed and received payment of Rs. 2,91,330/- against placement of 39 beneficiaries with different employers with the help of forged joining letters and bills under MBNY (Mukhyamantri Bhikshavriti Nivran Yojna) Scheme from SSUPSW (State Society Ultra Poor and Social Welfare), Government of Bihar.

The learned counsel appearing on behalf of the petitioner submits that the petitioner has no role in the alleged misappropriation of fund. Not a single farthing has gone to the account of this petitioner. So far putting the names of the fictitious person for enrolment in the program is concerned, training was imparted and the petitioner has no knowledge or could not have any control over them and whether they continued working or not. The learned counsel further submits that the charges have been framed in this case on 11.04.2022, but not a single witness has been examined till date. Learned counsel further submits that there are 59 witnesses to be examined and 161 documents to be proved. The petitioner is in custody since 22.03.2022. The co-accused A.M. Joseph has been granted anticipatory bail by the learned court below. The petitioner is having clean antecedent.



Learned counsel appearing for the C.B.I. opposes the prayer for bail submitting that the petitioner produced forged documents regarding 39 beneficiaries and when the investigation was made, none of the beneficiaries were found to be working in the organizations as claimed and all these letters were produced by this petitioner and were found to be forged. All such organizations denied issuing such letters and all these letters were sent in the name of the petitioner, so it is apparent that the petitioner was mastermind of all these things. Moreover, when the government money is defalcated and misappropriated, it is not necessary that the money should go straightaway in the account of the person involved in this misappropriation and the same gets distributed later on. However, he concedes that till date, not a single witness has been examined after framing of charge.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the fact that none of the witnesses have been examined in this case till date after framing of the charge and there is no possibility of the conclusion of the trial in near future and the period of the custody of the petitioner, the petitioner is directed to be released on bail on furnishing bail bond of Rs.



20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Magistrate, C.B.I, Patna, in connection with CBI Case No. RC 05 (S)/2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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