

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43785 of 2021

Arising Out of PS. Case No.-18 Year-2017 Thana- C.B.I CASE District- Patna

Md. Sarfarajuddin, Son of Md. Nawazuddin, Resident of V Vikramshila Nagar, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The Central Bureau of Investigation, New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Bipin Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 10-02-2022 The applicant is an accused in Special Case No. 03 of 2019 corresponding to R.C. No. 18(A)/2017 arising out of Crime No. 514 of 2017 registered with Kotwali (Tilkamanjhi) Police Station for the offences punishable under Section 12(B) r/w Sections 409, 420, 467, 468 and 471 of the Indian Penal Code as well as Section 13(2) r/w Sections 13(1)(i)(d) of the Prevention of Corruption Act, 1988, by this application is seeking his release on bail during pendency of the trial.

Heard both sides.

The applicant is then Senior Manager, Bank of Baroda, Main Branch, Bhagalpur. It is alleged against him that he prepared deposit slips for depositing three cheques in the account of Srijan Mahila Vikash Sansthan Limited. He got those cheques entered in the Bank system through an



employee named Puja Kumari, Clerk of the Branch and by conspiring with co-accused Atul Rahman, the applicant abused his official position and dishonestly as well as fraudulently ignored the basic difference in the name of the payees reflected in the Bank of Baroda deposit slip. In this manner, loss of Rs.40,75,483/- was caused to the Government Exchequer.

The investigation of the subject crime is over. The charge sheet is already filed and the special case is already registered against the applicant as well as other co-accused. My attention is drawn to bail orders passed by several Courts in which similarly situated co-accused persons are granted bail. It is submitted that even the Hon'ble Supreme Court has also granted bail to one of the co-accused Pankaj Kumar in Criminal Appeal No. 484 of 2020 SLP (Cr.) No. 1530 of 2020. The applicant was a public servant and working as Senior Manager with the Nationalized Bank. As such, his availability for the trial is not disputed. The offence is based on documentary evidence. Therefore, I see no reason to refuse bail to the applicant. Hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Special Case No. 03



of 2019 corresponding to R.C. No. 18(A)/2017 arising out of Crime No. 514 of 2017 registered with Kotwali (Tilkamanjhi) Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this



order only after removal of office objections by the
applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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

