

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47128 of 2021**

Arising Out of PS. Case No.-12 Year-2017 Thana- C.B.I CASE District- Patna

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Sri Amrendra Kumar Yadav, S/O Late Sri Ayodhya Gope, R/O Mohalla-Mishra Tola, Badi Khanjarpur, Bhagalpur, Bihar, Permanent R/O Village-Prashastdih, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/S

Versus

The State of Bihar through C.B.I., ACU-V, AC-II, New Delhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar- Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 31-01-2022 Heard the learned counsel for the petitioner and

the learned Standing Counsel for the C.B.I.

The petitioner seeks bail in connection with Special Case No.05 of 2019 arising out of RC-Case No.12/17, instituted for the offences under Sections 120B/409/420/467/468/471 of the Indian Penal Code and Sections 13(1)(c)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

The learned counsel for the petitioner submits that the petitioner is in custody since 17.07.2019 and was a person with clean antecedent before the Srijan Scam and charge-sheet has been submitted in the present case.



The learned counsel for the petitioner further submits that the informant in the F.I.R. alleges that signature of the District Magistrate, Bhagalpur was forged on three cheques of Rs.5,00,00,000/- each and this amount was illegally deposited in the account of Srijan. It is further alleged that Rs.6,71,70,000/- was illegally deposited in the account of District Magistrate, Bhagalpur in between January, 2010 to March, 2017. Further the amount of Rs.8,86,08,695/- was illegally diverted and deposited in the account of Srijan instead in the account of District Magistrate, Bhagalpur in between 31.12.2014 to 30.01.2017.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the C.B.I. has submitted charge-sheet and in Para-16.3.4 to 16.3.12, the C.B.I. has described the common role of the petitioner that as being Nazir, he had taken three DD's from Nazarat Section and dishonestly and fraudulently pasted the customer copy of the deposit slip in the bank register by abusing his official position to show that DD's are credited



in the account of District Magistrate, Bhagalpur, but corresponding deposit slips obtained from the bank showed that the money was deposited in the account of Srijan.

The learned counsel for the petitioner further submits that the C.B.I. has not even alleged that the petitioner forged any valuable security and conspiring to forge the valuable security. Thus, no ingredients of Section 467 of the I.P.C. would be made out against the petitioner. Further in the charge-sheet, nowhere alleges that the DD's/cheques of valuable securities were forged.

The learned counsel for the petitioner further submits that the C.B.I. has not alleged that the petitioner used as genuine a forged documents rather alleges that petitioner pasted customer's copy of the deposit slip in the bank register.

The learned Standing Counsel for the C.B.I. opposes the bail application and submits that this petitioner in one of the other case had filed Cr. Misc. No.23861 of 2020, which was rejected by order dated 24.02.2021 passed by this Court against which the petitioner moved before the Hon'ble Supreme Court by filing Special Leave to Appeal



(Cri.) No.5825 of 2021 and the Hon'ble Supreme Court by order dated 15.09.2021 was pleased not to interfere with the order passed by this Court, but the learned trial Court was directed to frame the charges forthwith and conclude the trial within six months from today. In the event, the time schedule is not adhered to, it will be open to the petitioner to apply for bail before the High Court.

The learned counsel for the petitioner replying the submissions of the learned Standing Counsel for the C.B.I. submits that petitioner is in judicial custody since 19.01.2018 and in the present case the charge-sheet came to be submitted on 28.06.2019 and thereafter, the petitioner was remanded in this case on 17.07.2019. It is further submitted that the petitioner is in judicial custody, the onus of getting the charges framed is on the prosecution, but even after more than two years, the charges till date has not been framed.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to



be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIIrd-cum-Special Judge, C.B.I.-II, Patna in connection with Special Case No.05/2019, RC Case No.12/2017, subject to condition that one of the bailors shall be the brother of the petitioner namely, Om Prakash Yadav. Further in the event, the petitioner tries to delay the proceeding by not appearing before the learned Court below on summons being issued, the learned Court below will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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