

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45675 of 2021

Arising Out of PS. Case No.-11 Year-2017 Thana- C.B.I CASE District- Patna

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GYANENDRA KUMAR S/O LATE DR. GOPAL CHANDA GHOSH R/O
MOHALLA-VIKRAMSHILA COLONY, NEW SHEOPUR COLONY,
HAWAI ADDA, P.S-TILKA MANJHI, DISTRICT-BHAGALPUR.

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-02-2022 Heard learned counsel for the petitioner and learned

Standing Counsel for the Central Bureau of Investigating ('the
CBI' in short) through video conferencing.

The petitioner has preferred this application for grant
of regular bail in connection with Special Case no. 5 of 2020
(R.C. No. 11A of 2017) registered under sections 34, 120B, 409,
420, 467, 468 and 471 of the Indian Penal Code and sections
13(2) read with 13(1)(c) and 13(1)(d) of the Prevention of
Corruption Act, 1988.

This case relates to the Srijan Scam. As per the
prosecution case and chargesheet dated 30.12.2019, the
allegation against the petitioner is that while posted as the
Branch Manager of the Bank of India, Sabour, he filled up the



deposit slips, presented the DD in his Branch and got the DDs drawn in favour of D.M., Bhagalpur to be deposited in the account of Srijan Mahila Vikas Sahyog Samiti Ltd., ('SMVSSL' in short). It is stated that inspite of objections raised by the other Branch officials, he forced them to deposit the same in the account of SMVSSL.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. He was falsely implicated in the case in course of investigation only for the reason of his having worked as Branch Manager of the Bank of India, Sabour for sometime. Chargesheet having been submitted in the case, it is submitted that from the nature of offence alleged, the evidence is primarily documentary in nature and the same are already in custody of the investigating agency. The petitioner is in custody since 18.6.2020 and investigation having been completed no useful purpose will be served in keeping him in custody. The petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned Standing Counsel appearing for the CBI. Referring to paragraph nos. 16.3.12 to 16.3.15 of the chargesheet dated 13.12.2019 (Annexure-2) learned Standing Counsel submits that there are direct allegations against this petitioner that while posted as the



Branch Manager of the Bank of India, Sabour he forced the other officials to deposit the drafts drawn in favour of the D.M., Bhagalpur in the account of SMVSSL. It is submitted that the dishonest intention on part the petitioner is clearly established from the materials in the chargesheet. Once the petitioner is enlarged on bail, he will not permit the trial to proceed. It is thus submitted that the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in the chargesheet dated 30.12.20219 together with the petitioner having remained in custody since 18.6.2020, the petitioner is directed to be enlarged on bail in connection with Special Case no. 5 of 2020 (R.C. No. 11A of 2017) on furnishing bail bond of Rs.20,000/ (Rupees twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI II, Patna on the following conditions:

(i) The petitioner shall deposit his original passport with the learned trial court or in the alternative will file an affidavit stating about the details of the case where the original passport has been deposited.

(ii) The petitioner shall cooperate in the trial and shall



remain properly represented on each date in court.

In case of violation of any of the conditions stated above or if the learned trial court is of the opinion that the trial is being delayed due to non cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and to take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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