IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52790 of 2021

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

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Gyanendra Kumar S/o Late Dr. Gopal Chandra 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 Bihar

... ... 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, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 14-02-2022 Heard learned counsel for the petitioner and Shri Bipin Kumar Sinha, learned Standing Counsel for the C.B.I. through virtual Court proceedings.

The petitioner seeks bail in connection with Special Case No.05 of 2019 arising out of R/C Case No.12/A of 2017, instituted for the offences under Sections 120B, 409, 420, 467, 468, 471 and 474 of the Indian Penal Code and Sections 13(2), 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the petitioner is in custody since 06.02.2020 and prior to the Srijan Scam he was a person with clean antecedent.

Learned counsel for the petitioner submits that the informant alleges that signature of the District Magistrate, Bhagalpur was forged on three cheques of Rs. Five Crore each and this amount of Rs. 15 crores was diverted illegally in October, 2009 from the account no. 10010100005215, in the name of D.M., Bhagalpur with the Bank of Baroda and credited in the account of Srijan, Bhagalpur. It is further alleged that an amount of Rs.6,71,70,000/- was deposited in the account of D.M., Bhagalpur illegally through transfer from January, 2010 to March, 2017. Further, an amount of Rs.8,86,08,695/- which was sent by the Nazarat Shakha, Bhagalpur to be deposited in the above bank account of D.M., Bhagalpur through cheques/DDs from 31.12.2014 to 30.01.2017 was not credited in the said account instead the said amount was diverted to the account of Srijan illegally.

Learned counsel for the petitioner submits that charge-sheet in the case has been submitted and it has come in the charge-sheet that the bank copy of the pay-in-slips were filled in by Shri Santosh Kumar Sinha and not by the petitioner. It is further submitted that Neha Chaudhary, the then Officer, BoI, Sabour Branch was the chequer and not the petitioner. Further, that petitioner is not a beneficiary of the alleged conspiracy in any manner nor there is any substantial evidence demonstrating that he has taken part in the alleged conspiracy and the allegation of criminal conspiracy of the petitioner with Manorama Devi is also not correct. The petitioner was posted as Branch Manager, Bank of India, Sabour Branch till 01.08.2015 and thereafter he joined in the Zonal Audit Office, Lucknow. It is further submitted that co-accused Amrendra Kumar Yadav and Sant Kumar Sinha have been granted bail by order dated 31.01.2022 in Cr. Misc. No. 47128 of 2021 and order dated 12.01.2022 in Cr. Misc. No. 46861 of 2021 respectively. It is also submitted that apart from the aforesaid two accused, other co-accused persons have also been granted bail by this Court.

Learned Standing Counsel for the C.B.I. opposes the prayer for bail of the petitioner but fairly submits that co-accused have been granted bail.

Considering the fact that the petitioner is in custody since 06.02.2020, charge-sheet has been submitted in the case and co-accused have been granted bail, as aforesaid, the petitioner, above-named, is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-II, Patna in connection with Special Case No.05/19 arising out of R. C. Case No.12/A of 2017.

(Satyavrat Verma, J)

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