

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52560 of 2021**

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

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BANSHIDHAR JHA @ VANSHIDHAR JHA @ VANSHIDHAR, S/o Sri
Janardan Jha R/o Gariya Tola (Budhai Tola), Bhikhanpur, Bhatha Road, P.S.-
Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

Central Bureau Of Investigation (CBI), New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh
For the Opposite Party/s : Mr.Bipin Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 31-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with RC 14(A)
2017 giving rise to Special Case No. 12 of 2020 arising out of
Bhagalpur Kotwali (Tilkamanjhi) P.S. Case No. 505 of 2017
registered for the offence under Sections 34/120-B read with
Sections 409, 420, 467, 468, 471 of the IPC as well as Sections
13(2), read with 13(1) (d) of the Prevention of Corruption Act,
1988.

As per allegation in the FIR, the petitioner along with



other accused persons illegally transferred and misused funds from the Government bank accounts.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case only on the basis of suspicion. It appears from the FIR that the petitioner is not named in FIR nor his name transpires during the investigation, it appears at the time of filing of first charge-sheet as suspect and similarly situated co-accused namely Ram Krishna Jha, has been granted privilege of regular bail vide order dated 27.08.2021 passed in Cr. Misc. No. 13523 of 2021. Petitioner is in custody since 12.08.2017 in other case and remanded in the present case on 15.07.2021.

On the other hand, learned counsel for the Central Bureau of Investigation as well as learned APP for the State have, vehemently, opposed the prayer for bail of the petitioner and submitted that though the petitioner is not named in the FIR. His name surfaced in the entire episode during course of investigation. He further emphasized on the paragraph numbers 16.2, 16.4, 16.5 and 16.7 of the charge-sheet in which, according to him, role of the petitioner has been specified in the entire case which is quite sufficient for prosecution of the petitioner in this case.



Considering the facts and circumstances of the case, let above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-V, Khagaria in connection with Special Case No. 12 of 2020, RC No. 14 A of 2017 arising out of Bhagalpur Kotwali (Tilkamanjhi) P.S. Case No. 505 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

(4) The petitioner shall surrender his passport, if he possesses, before the court below at the time of furnishing his bail bonds.

(Rajesh Kumar Verma, J)

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