IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4057 of 2023

Arising Out of PS. Case No.-9 Year-2018 Thana- C.B.I CASE District- Patna

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Md. Anis Ansari @ Md. Anish Ansari Son Of Late Md. Habib Ansari @ Late Md. Habis Ansari R/O Village- Teliya, P.S.- Banka, District- Banka

... ... Petitioner/s

Versus

The State Of Bihar Through SP, C.B.I., AC-II, New Delhi

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ranjeet Patel
For the Opposite Party/s : Mr.Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 31-07-2023 Heard learned counsel for the petitioner and learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 120(B), 409, 420, 467, 468, 471 of the Indian Penal Code and Sections 13(2) read with 13(1)(c)(d) of the Prevention of Corruption Act.

It is alleged against the petitioner that the petitioner being Nazir, at DLAO, Banka in collusion with the bank officials and office bearers of *Srijan Mahila Vikas Sewa Samiti Limited* (hereinafter referred to as SMVSSL) had initiated proposal for demand of Rs. 5.5

crores from District Collector, Banka for making payment to the land owners, however, the said amount was diverted in collusion with co-accused Jaishree Thakur into the account of *Srijan Mahila Vikas Sewa Samiti Limited*.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner was Nazir at DLAO Office, Banka and he had discharged his duty to the best of his ability. During investigation, the investigation agency has failed to collect any material showing connivance/conspiracy of the petitioner with other co-accused persons. It has also not come during entire investigation that petitioner is a beneficiary in the entire happenings and the investigating agency has not found any amount/property access to the known source of income of the petitioner. The charge-sheet has already been submitted against the petitioner. The petitioner is languishing in custody since 21.10.2022.

Moreover, other co-accused person has been granted the privilege of bail by a coordinate Bench of this Court vide order dated 31.01.2022 passed in Cr. Misc. No. 47128 of 2021.

Learned senior counsel appearing on behalf of the Central Bureau of Investigation has vehemently opposed the prayer for bail of the petitioner and submitted that during investigation, it has revealed that the petitioner who was Nazir at DLAO, Banka in collusion with other accused persons had fraudulently diverted Rs. 5.5 crores into the account of *Srijan Mahila Vikas Sewa Samiti Limited.* The petitioner had been instrumental in diversion of huge amount of money into the account of *Srijan Mahila Vikas Sewa Samiti Limited* in conspiracy with other accused persons and being public servant, he did not discharge his official duties honestly and diligently and committed financial irregularities in conspiracy with other co-accused persons.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I-II, Patna in connection with Banka P.S. Case No. 539 of 2017(Special Case No. 02 of 2019).

(Sunil Kumar Panwar, J)

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