

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33297 of 2022

Arising Out of PS. Case No.-19 Year-2017 Thana- C.B.I CASE District- Patna

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1. SANJAY KUMAR SON OF SRI MADAN PRASAD Resident of Jagdishpur, P.S. - Jagdishpur, District - Bhojpur (Ara).
 2. VIKASH KUMAR SON OF LATE SHYAM BIHARI SINGH R/o Singh Colony, Pakari Chawk, Ara, P.S.- Nawada, District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State Of Bihar, through C.B.I., Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate
	:	Mrs.Vaishnavi Singh, Advocate
For the C.B.I.	:	Mr.Avanish Kumar Singh, Advocate, S.P.P.,C.B.I.
	:	Mr. Ambar Narayan, Advocate
	:	Mrs. Barkha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

14 05-10-2023 Heard Mr.Ajay Kumar Thakur, learned counsel for the petitioners and Mr.Avanish Kumar Singh, learned counsel for the C.B.I.

2. The petitioners are apprehending their arrest in connection with Special Case No. 10 of 2017 arising out of RC 19(A)/2017 dated 29.11.2017 registered for the offence punishable under Sections 409, 420, 467, 468, 471, 477A, 120(B) of IPC and Sections 13(2) read with 13(1) (d) of Prevention of Corruption Act.

3. As per the prosecution case, the government fund in collusion with other officials of the government and the bank



was illegally transferred to the different accounts temporarily embezzling the fund as also the interest earned thereon, which is properly known as 'Srijan Scam'. Name of the petitioners have been transpired during course of investigation.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact the petitioner No.1 is Manager and petitioner No.2 is Clerk of the Bank in question and they have sent the proposal for loan to the higher authority and when the matter was pending before the higher authority the petitioner No.1 has sanctioned Rs.Five Crores in favour of Basant Rice Mill and thereafter the approval has come from the competent authority and the petitioners are not the beneficiaries of the present transaction and the authority has freezed the account of the Rice Mill and thereafter the amount in question has returned back in the concerned account of the Bank so it appears from the aforesaid that the petitioners have not committed any offence as alleged in the FIR and the prosecution (C.B.I.) has completed the investigation.

5. Learned counsel for the C.B.I., on other hand hand,



has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners were not competent to sanction the loan amount to the Rice Mill to a tune of Rs. Five Crores and he is only competent to sanction Rs. Fifty Thousand but fairly submits that after perusing the loan amount the competent authority have also given the approval for the same and thereafter the loan amount has returned back to the concerned account of the Bank and investigation has been completed and the chargesheet has also been submitted.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-1st, Patna in connection with Special Case No. 10 of 2017 arising out of RC 19(A)/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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