IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9554 of 2023

Arising Out of PS. Case No.-4 Year-2015 Thana- C.B.I CASE - TR District- Patna

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HIRA LAL YADAV S/o Late Siya Ram Yadav R/o House No. 9, Housing Board Colony, P.S.- Barari, Distt- Bhagalpur.

... ... Petitioner

Versus

1. The State of Bihar
2. The Central Bureau of Investigation through the Superintendent of Police, CBI The Central Bureau of Investigation through the Superintendent of Police, CBI Economic Offence Wing Kali Babu Street, Ranchi.
3. Bhibhuti Kumar Sinha S/o Late Niranjan Prasad Sinha Bhibhuti Kumar Sinha, S/o Late Niranjan Prasad Sinha, posted as assistant General Manager and Regional Head, Bank of Baroda, Regional Office, Muzaffarpur Region, 1st Floor, Shahi Complex, Tilak Maidan Road, Distt- Muzaffarpur.

... ... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Kundan Kumar Singh, Advocate Mr Bishwajeet Singh, Advocate Mr. Sanjay Singh, Advocate
For the CBI	:	Mrs.Nivedita Nirvikar, Senior Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 05-05-2023 Heard learned counsel for the petitioner and the CBI.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 120B,419,420,468,471 of the Indian Penal Code read with sections 13(2), 13(1)(d) of the PC Act.

As per the prosecution case, during 29.5.2012 to 13.6.2014, using petitioner's user id and password, loan to the tune of Rs. 495.32 lacs was disbursed to 324 non-existing beneficiaries on the basis of forged and fabricated documents.

Learned counsel appearing for the petitioner submits that the petitioner's name figured in the case during investigation. It is the case of the petitioner that during the period in question, petitioner was merely probationary officer in the branch and as a matter of fact, all the accounts were opened by the branch manager/ DKP Ghosh, who using his place and position misused petitioner's user id and password with malafide intention and committed reckless financing for which show cause had also been issued to the petitioner by the bank. Petitioner is presently working at Bettiah branch and his service has also been confirmed. It is further submitted that the case is primarily based on documentary evidence and custodial interrogation is not required. In this case, charge sheet has already been submitted and petitioner fully co-operated with the police during investigation. Petitioner claims clean antecedent.

Learned counsel for the CBI opposes the prayer for bail. She submits that during course of investigation, it has been found that the petitioner in league with other bank officials, disbursed loan to the tune of Rs. 495.32 lacs to 324 non-existing beneficiaries on the basis of forged and fabricated documents.

Considering the fact that charge sheet has already been submitted and there is no allegation of tempering with evidence, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge CBI 1st, Patna in Special Case No.06/15 arising out of RC 04A/15, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as following conditions:-

(1) Petitioner shall cooperate 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 absence on two consecutive dates without sufficient

reason, his bail-bonds shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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