

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19538 of 2023

Arising Out of PS. Case No.-15 Year-2012 Thana- C.B.I CASE District- Patna

SUMIT KUMAR @ SUMIT KUMAR JAISWAL S/o Shri Laxmi Prasad Jaiswal R/o Village- Jagdamba Palace Road, Barahiya Bazar, P.O. and P.S.- Lakhisarai, Distt- Lakhisarai, presently residing at Mohalla- Hathsarganj Road no. 2, Near Jamunilal College, P.S.- Town, Hajipur, Distt- Vaishali, Bihar. Petitioner/s

Versus

1. The Central Bureau of Investigation, Bihar, Patna.
2. The Chief Manager, Punjab National Bank, SME Branch, Boring Canal Road, Patna. Bihar
3. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Sourendra Pandey, Spl.P.P. C.B.I.
For P.N.B.	:	Mr. Mrityunjay Kumar, Advocate
	:	Mr. Ram Ganesh, Advocate
	:	Mr. Vibhuti Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 5 02-08-2023 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The present petition is by way of third attempt at the behest of the petitioner for grant of bail in connection with Special case no. 08(A) of 2012 arising out of FIR no. P.S. CBI/ACB R.C. 02320 12A 0015, registered under Section 420 and other allied sections of the Indian Penal Code and Section 13(3) r/w 13(1)(c) & (d) of the Prevention of Corruption Act, 1988 inasmuch as the earlier prayers of the petitioner for grant of regular bail have all stood dismissed by this Court, earlier.



3. The allegation, as per the First Information Report is that the petitioner, who is Director of Ms. Baseline petroleum Limited, along with other co-accused persons, approached the Bank for credit facilities and the Bank after examining the proposal of the company for credit facilities made by the Directors of the company including the petitioner, sanctioned a term loan of Rs. 90 lacs and cash credit facilities of Rs. 1.50 crores. It has been further alleged that the petitioner being a Director of the Company along with others, hypothecated the stocks, plants, machinery and the secured assets and other collateral securities provided by one of the Directors Sri Arvind Kumar Choudhary in the shape of a piece of land pertaining to Khata no. 314, Plot no. 206 (Part), Thana no. 153, Ward no. 4, having an area of 45 decimal of land and another plot having an area of 27 decimal of land total measuring 72 decimal. It has also been alleged that during course of taking possession under the SARFAESI Act, 2002, the Bank came to know that the title deeds of 72 decimal of land was a forged documents. It has further been alleged that borrower company in which the petitioner is one of the Directors, in conspiracy with each other, with fraudulent and dishonest intention, induced the complainant Bank to grant loan facilities and has committed cheating and misappropriated the loan amount of the bank having a total value of approximately Rs. 3 crore.



4. The learned Senior counsel for the petitioner has submitted that the petitioner is languishing in custody since 02.02.2020 and there is no possibility of the trial being completed in near future, inasmuch as the charges have been framed by the learned trial court on 13.01.2020, however, there is no progress whatsoever in the ongoing trial. The learned Senior counsel for the petitioner has also submitted that the petitioner shall not abscond or tamper with the evidence after release on bail. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2022, passed in Cr. Misc. no. 68598 of 2021, after undergoing custody for a period of 02 years and 04 months, whereas the petitioner has already undergone custody for about 03 years and 04 months.

5. *Per contra*, the learned counsel for the C.B.I. has though opposed the prayer for bail but has submitted that since the petitioner is a habitual absconder, strict conditions may be imposed, in case this Court deems it fit and proper to grant bail to the petitioner, so that the petitioner doesn't default in appearing before the learned trial court on the dates, so fixed in the on-going trial.



6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since about 03 years and 04 months apart from the fact that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, as aforesaid, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

7. Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I, CBI, Patna in connection with Special Case No. 08 (A) of 2012 arising out of FIR No. P.S. CBI / ACB R.C. 02320 12A 0015, subject to the following conditions:-

“ (I) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(II) that at the time of furnishing bail bond,



the petitioner shall furnish his mobile number and keep the same in working condition till the disposal of the trial.

(III) that on the first Friday of every month, the petitioner shall report physically before the Superintendent of Police, C.B.I., Patna.

(IV) that the petitioner shall deposit his passport in the trial court and shall not leave the country without permission of the trial court.

(Mohit Kumar Shah, J)

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