

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23045 of 2023

Arising Out of PS. Case No.-6 Year-2017 Thana- C.B.I CASE District- Patna

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PRAKASH KUMAR SINHA S/O LATE PRAMOD KUMAR SINHA
Presently R/o House of Sri Amrendra Prasad Singh, Mewa Lal Chowk,
Lalganj Road, Near Fun City Park, P.S.- Sadar, District- Purnea, 854301,
State - Bihar

... .. Petitioner

Versus

The Central Bureau Of Investigation (CBI). Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Amit Narayan
For the C.B.I.	:	Mr. Avanish Kumar Singh, Adv., S.P.P., C.B.I
	:	Mr. Ambar Narayan, Adv.
	:	Mrs. Barkha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
counsel for the C.B.I.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 120B, 420, 467, 468 and 471 of the Indian Penal Code and under Section 13(2) 13(1)(d) of the Prevention of Corruption Act, 1988 pending in the learned court below.

As per the prosecution case, the accused managers of three branches of Bihar Awami Co-operative Bank Ltd., Patna opened 41 forged bank accounts in absence of the account holders and illegally exchanged around Rs.70,46,000/- approximately of old currency demonetized notes of 500/- and



1,000/- and cheated the Government of India for unlawful pecuniary gains.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner was posted as Assistant-Cum-Cashier on Temporary basis in the Bank and he is not involved in the present case. He submits that after investigation the C.B.I. has filed charge-sheet against the petitioner. He relies upon the judgment of the Hon'ble Apex Court passed in the case of "*Mahdoo Bava Vs. C.B.I.*" passed in SLP (Crl.) No. 376/2023. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submits that the petitioner is also involved in the present case and similarly situated other persons have already been granted anticipatory bail by this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 6957/2022 and vide order dated 28.06.2022 passed in Cr. Misc. No.21512/2021. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection



with Special Case No. 05/2017 arising out of FIR-
CBI/ACB/Patna P.S. Case No. RC0232017A0006. Accordingly,
his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the
learned Court below within a period of six weeks from today
and seeks regular bail, the learned Court below would pass the
order, preferably, on the same day, without being prejudiced by
this order considering this fact that charge-sheet has been filed
against the petitioner.

(Anjani Kumar Sharan, J)

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