

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31998 of 2023

Arising Out of PS. Case No.-2 Year-2021 Thana- C.B.I CASE District- Patna

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Danjel Marcus Jacob @ Denjel Morcus Jacob Son Of Marcus Jacob Resident
Of Grain Shop Para ,NEAR Santoshi Mandir, Katihar Petitioner/s
Versus

The Central Bureau Of Investigation (CBI) through Its Superintendent Of
Police Bihar Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-07-2023 Heard Mr. Shailendra Kumar Sinha, learned counsel

for the petitioner and Mr. Avaniash Kumar Singh duly assisted by

Mrs. Barkha, learned counsels for the C.B.I.

The petitioner is apprehending arrest in connection
with Special Case No. 03 of 2021-R.C. No. 02(A)/2021
instituted under Sections 120B, 409, 420, 467, 468, 471, 477A
of the Indian Penal Code and section 13(2) r/w 13(1)(a) of P.C.
Act.

As incorporated in the order dated 12.7.2022, two
anticipatory bail applications relating to same P.S. were taken
together and while the anticipatory bail application of the
petitioner (Cr. Misc. No. 27907 of 2022) was rejected on
1.2.2023, the anticipatory bail to one Kumari Punam who was
also an accused was allowed on the ground that she deposited



the allegedly defalcated amount of Rs.5,64,907/-.

Now the present anticipatory bail was repeated by the petitioner stating that the allegation against him is of misappropriation of Rs. 14, 93,540/- which he has deposited under protest to the GPO, Patna and a certificate to this effect has been issued by the concerned office on 13.7.2023 (which form Annexure-6 to the second supplementary affidavit). Although this being second anticipatory bail, this Court at first instance was not inclined to grant him relief, taking into account the aforesaid fact that in case of Kumari Punam as she made payment and was granted relief, this Court deems it appropriate to extend the same relief to the petitioner herein on the ground that he has made the payment of alleged misappropriated amount to the tune of Rs. 14, 93,540/-.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, C.B.I.-II, Patna, in connection with Special Case No. 03 of 2021, R.C. Case No. 02(A)/2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with the following further conditions.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(v) the petitioner shall surrender the passport, if any, at the time of execution of bail bonds.

The Cr. Misc. No. 31998 of 2023 stands allowed with the aforesaid observation.

(Rajiv Roy, J)

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