

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31817 of 2022

Arising Out of PS. Case No.-63 Year-1996 Thana- C.B.I CASE District- Patna

SURESH PRASAD SINGH S/o Late Ramdeo Singh R/o Vill.-Hathidah
Bujurg, Near Middle School, P.S.-Hathidah, District-Patna.

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No.2

For the Opposite Party/s : Mr. Nivedita Nirvikar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

11 28-06-2023 Heard learned counsel for the petitioner, Mr. Dharmendra

Kumar Raju and learned S.P.P. for the C.B.I., Mr. Avanish Kumar

Singh.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 120B, 420, 418, 468, 471,
477A, 409, 34 of the Indian Penal Code and also Sections 13(2) read
with Sections 13(1)(C)(D) of the P.C. Act.

The informant alleges that in pursuance of the Judgment
Dated 11.03.1996 passed in CWJC No. 1617 of 1996, 1642 of 1996,
1456 of 1996, 459 of 1996, 541 of 1996 (R), 602 of 1996 (R), 675
of 1995 (R), 687 of 1996 (R) and the Hon'ble Supreme Court
dated 19.03.1996 in SLP Civil No. 5811 of 1996, the C.B.I. was
directed to take up and investigate all criminal cases in respect of
fraudulent withdrawal/encashment of government money from
Animal Husbandry Department, Government of Bihar, as in this
regard, a complaint was received from the then Secretary Department



of Animal Husbandry and Fishery, Government of Bihar alleging that fraudulent withdrawal of Rs. 4551034/- has been made based on forged allotment letters from the office of Regional Director A.H.D., Bhagalpur during the year 1994-1995 and 1995-1996.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the petitioner is not named in the FIR and the FIR is of the year 1996 and he came to be implicated during the course of investigation in the year 2006 i.e., ten years after the institution of FIR, it is next submitted that the C.B.I. after investigation has already submitted a charge sheet on 17.05.2018, it is next submitted that the petitioner all throughout had cooperated in the investigation and the C.B.I. never felt the need of arresting the petitioner, it is next submitted that since the charge sheet has been submitted and the trial has commenced, the petitioner will cooperate in the trial.

Learned Special Public Prosecutor, Mr. Avanish Kumar Singh opposes the prayer for anticipatory bail of the petitioner but then is not able to rebut the submission of the learned counsel for the petitioner that the case is of the year 1996 and the name of the petitioner surfaced after ten years i.e., in 2006 and during the course of investigation, C.B.I. never felt the need of arresting the petitioner and the charge sheet has been submitted.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with C.B.I. Case P.S. Case No. 63(A) of 1996 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear, that in the event if the learned Trial Court comes to a conclusion that the petitioner, after obtaining anticipatory bail from this Court, is not cooperating in the trial, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

HarshPandey/-

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