

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41386 of 2022

Arising Out of PS. Case No.-5 Year-2018 Thana- C.B.I CASE District- Patna

Md. Ezam Ahmad Ansari Son Of Late Md. Shibtul Hasson Ansari Clerk
Indian Bank, Maksoospur (Bora) Hazratganj, Gali No.- 6, Post - Munger,
Distt.- Munger.

... .. Petitioner/s

Versus

State of Bihar through CBI Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Sr. Adv.

Mr. Divyan Verma, Adv.

Mr. Santosh Kr. Singh, Adv.

For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-03-2023 Heard learned senior counsel for the petitioner and
learned senior counsel for the CBI.

Learned counsel for the petitioner undertakes to remove
the defects, if any, within three weeks.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 120B, 409,
420, 467, 468, 471 of the Indian Penal Code and Sections 13(2),
13(1)(c), 13(1)(d) of the PC Act.

This case also relates to infamous Srijan Scam.

The petitioner in association of other co-accused is said
to have transfer and siphoned off the government money in
fraudulent and conspiratorial manner.

Learned senior counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. He submits that the petitioner has antecedent of one case and
the informant alleges that petitioner who was a clerk in Indian



Bank, Bhagalpur in between 2000-2014, abused his official position and made entry on Cheque No. 401351 of Rs. 5 Crore as a maker with a dishonest intention to credit the cheque in the account of SMVSSL despite knowing that the cheque was in favour of DLAO, Banka. He submits that charge-sheet has been submitted and the CBI, during the course of investigation, never felt need of arresting the petitioner. He submits that petitioner has cooperated in the investigation and it is not the case of the CBI that the petitioner ever tried to scuttle the investigation. He submits that the CBI has not filed FSL report showing that he has filled pay-in-slip and he has given the monitory benefit. He submits that no justifiable purpose would be served by sending the petitioner to jail at this stage when he is co-operating in the trial and further also ready to co-operate in the investigation. Learned senior counsel for the petitioner lastly submits that the present case is based on documentary evidence and there is no any allegation against the petitioner to tamper the evidence or relevant documents served by the CBI.

Learned senior counsel for the CBI submits that the learned trial court has issued summons on 10.12.2021 to the petitioner for his appearance but neither the petitioner appeared before the learned trial court nor he filed any prayer intimating his non-appearance. Thereafter, the learned court below had issued



bailable warrant on 11.08.2022 but he did not appear again before the learned court below. Learned counsel for the CBI lastly submits that the petitioner is also involved in the present case and there is ample evidence against the petitioner in the case diary.

Considering the facts and circumstances of the case and the fact that the charge-sheet has been submitted and petitioner has cooperated in the investigation, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Spl. Case No. 01 of 2021, R.C. No. 05 (A)/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is directed to co-operate in the Trial. If he does not appear before the Trial Court on two consecutive dates, the Trial Court is at liberty to cancel his bail bond. The petitioner will not leave the country without the permission of the Trial Court.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

