

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43437 of 2022

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

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ARUN KUMAR

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH CENTRAL BUREAU OF
INVESTIGATION

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv. Mr. Chandra Shekhar Singh
For the Opposite Party/s :		Mr.Nivedita Nirvikar Mr. Avanish Kumar Singh Mr. Ambar Narayan

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 06-04-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the petitioner as well as learned

APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Special Case No. 05/2017 arising out of RC
06(A)/2017, registered for the offences punishable under Sections
120(B), 420, 467, 468 of the Indian Penal Code and Sections
12(2)r/w13(1)(d) of the Prevention of Corruption Act.

As per allegation, during the period of
demonetization, 41 fake Bank accounts were opened in three
branches of Bihar Awami Co-operative Bank Limited Bank, on



the basis of identity proof, address proof and other requirement arranged by cheating innocent persons.

The learned Senior counsel for the petitioner Sri Sanjay Singh has submitted that co-accused Md. Arshad Ahmed was Director of Bihar Awami Co-operative Bank Limited Bank and he was also the Director of Mother International Academy. The account holders, on whose impersonation the accounts were opened, were employees of Mother International Academy. The main allegation is against Md. Arshad Ahmed, who is the Director of the Bank. On his instance, those accounts were opened. As a matter of fact, the petitioner is Assistant (employee) of Mother International Academy and only allegation against him is that he filled up the account opening forms in the name of the employees of Mother International Academy. He has submitted further that the petitioner was duty bound to obey the direction of his superior and on direction of Md. Arshad Ahmed, he filled up the forms. He is an innocent person and languishing in custody since 20.07.2022, whereas the main accused Md. Arshad Ahmed has been granted bail under Section 167(2) of the Cr.P.C.

On the other hand, the learned counsel for the CBI has opposed the prayer for bail and submitted that the bank accounts



were opened on the basis of forms filled up by the petitioner.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge C.B.I.-Ist, Patna in connection with Special Case No. 05/2017 arising out of RC 06(A)/2017, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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