

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60608 of 2022

Arising Out of PS. Case No.-4 Year-2017 Thana- C.B.I CASE District- Patna

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Dhananjay Kumar Patal Chandra Ghosh S/o Late Patal Chandra Ghosh
Resident of village- Flat No.- D2, Nishant Sindhu, Bibhuti Towar, Bari
Kanjarpur, P.S.-Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Union of India, Through Director, Central Bureau of Investigation, New Delhi.
2. The Superintendent of Police, C.B.I, A.C.B, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate.
For the Opposite No.1	:	Mr. Avanish Kumar Singh, SPP, CBI.
		Mr. Ambar Narayan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vikram Deo Singh, learned counsel for the petitioner and Mr. Avanish Kumar Singh, learned counsel for the Central Bureau of Investigation.

The petitioner seeks regular bail, who is in custody in connection with Special Case No. 03 of 2017 arising out of RC4(A)/2017, registered for the offences punishable under Sections 13(2) read with Section 13 (I) of the Prevention of Corruption Act.

The allegation against the petitioner as per the FIR



that he was in possession of assets amounting to Rs.47,00,885/- which was disproportionate to the known source of his income. Later on charge-sheet has been submitted in the case, and it was found by the Central Bureau of Investigation that after calculating his income and expenses the excess amount to the tune of Rs.27,62,963/- was found disproportionate to his known source of income.

Learned counsel appearing on behalf of the petitioner submits that the informant has not calculated his income from 1998 to 31.03.2011, wherein the petitioner had been working in the bank, however, without taking into account the earlier income of the said period this FIR has been instituted alleging that an amount of Rs.27,62,963/- was found disproportionate during the period 01.04.2011 to 31.03.2015, while the petitioner was working as Branch Manager, Bank of Baroda, Main Branch Bhagalpur, which is apparently incorrect in calculation. Various other defence have been taken in the petition, *inter alia*, it is submitted that there are so many articles which are in the name of the wife but that fact has not been considered while calculating the income. He lastly submits that now the investigation is already complete and the charge-sheet has been submitted, and the petitioner is ready to give undertaking that he



will fully cooperate and will appear in the trial till its conclusion.

On the other hand learned counsel for the Central Bureau of Investigation vehemently opposes the bail application and submits that the petitioner has not given proper explanation of the disproportionate amount of more than twenty-seven lacs which is recovered from his possession.

Regard being had to the submissions made on behalf of the parties and considering the fact that investigation is already complete and the charge-sheet has been submitted and there is no such allegation that the release of the petitioner would cause any hamper in the trial as the prosecution case is based on documentary evidence, coupled with the fact that he is in custody since 22.06.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty-five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-I, Patna, in connection with Special Case No. 03 of 2017 arising out of RC4(A)/2017, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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