

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1042 of 2023

Arising Out of PS. Case No.-4 Year-2015 Thana- C.B.I CASE District- Patna

Amresh Kumar Srivastava, Son of Late Bineshwar Prasad, R/O Balughat,
Road No.1, New Colony, Barhanpura, P.S.- Town Thana, District-
Muzaffarpur

... .. Petitioner

Versus

Central Bureau of Investigation through Its Superintendent of Police Ranchi

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 3712 of 2023

Arising Out of PS. Case No.-4 Year-2015 Thana- C.B.I CASE District- Patna

Manish Kumar, S/o Sri Deepnarayan Kumar @ Dipnarayan Kumar R/o
Maheshpur, P.S.- Pirbazar, Distt- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar
2. The Central Bureau of Investigation through the Superintendent of Police,
CBI Economic offence Wing The Central Bureau of Investigation through
the Superintendent of Police, CBI Economic offence Wing Kali Babu Street,
Ranchi.

... .. Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1042 of 2023)

For the Petitioner/s : Mr. Alok Kumar, Advocate

For the Opposite Party/s : Ms. Nivedita Nirvikar, Senior Advocate

(In CRIMINAL MISCELLANEOUS No. 3712 of 2023)

For the Petitioner/s : Mr. Rajindra Narayan, Senior Advocate

Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Ms. Nivedita Nirvikar, Senior Advocate

Mr. Atul Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 18-05-2023 Heard Mr. Alok Kumar, learned counsel for the

petitioner in Cr. Misc. No. 1042 of 2023 and Mr. Rajindra

Narayan, learned Senior Advocate assisted by Mr. Kundan

Kumar Singh, learned counsel for the petitioner in Cr. Misc. No.

3712 of 2023 as also Ms. Nivedita Nirvikar, learned Senior



Counsel for the Central Bureau of Investigation.

Petitioners in these two applications have moved this Court seeking pre-arrest bail in connection with Special Case No. 06 of 2015 arising out of CBI/EOW/Ranchi RC Case No. 04 of 2015 registered for the offences under Section 120B read with Sections 419, 420, 468 and 471 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. They have no criminal antecedent.

The prosecution story in short is that the loanee Avadhesh Kumar Sharma and 170 others in conspiracy with the unknown officials of the Bank of Baroda used forged documents of land in disbursement of loan amounting to Rs.140.80 lakhs in between 29.05.2012 to 13.06.2014 and altogether loss of Rs.495.32 lakhs was caused to the Bank of Baroda in disbursement of loan to the non-existing beneficiaries.

Admittedly, in this case investigation is over and a chargesheet has already been filed. This Court vide its order dated 15.05.2023 called upon Ms. Nivedita Nirvikar, learned Standing Counsel for the Central Bureau of Investigation to seek instruction as to whether during investigation of the case, the petitioners were ever noticed or called upon to participate in course of investigation or that any warrant was obtained against



them?

The learned Standing Counsel has informed on instruction that during investigation, the petitioners were called upon to participate and pursuant to the notice from the CBI, both the petitioners have participated in course of investigation but they were not arrested. During investigation, the CBI did not obtain any warrant of arrest against them. However, at this stage after filing of the chargesheet and taking of cognizance by the learned Special Judge, when the petitioners are seeking their remedy before this Court by filing an anticipatory bail application, recently a non-bailable warrant of arrest has been issued against them.

Having heard learned counsel for the petitioner and learned Standing Counsel for the CBI, considering that these petitioners have participated in course of investigation and all through the investigation, the CBI did not require their arrest, at this stage they are ready to put their appearance in course of trial and there is no submission that their presence cannot be secured before the learned trial court as also further considering that the co-accused, namely, Hiralal Yadav has been recently granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 9554 of 2023, this Court directs that



in case of their arrest or surrender within a period of four weeks from today, both the petitioners shall be released on bail in connection with Special Case No. 06 of 2015 arising out of CBI/EOW/ Ranchi RC Case No. 04 of 2015 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-I, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

lekhi/-

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

