

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23359 of 2024

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

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ABHAY KUMAR SON OF SRI ASHOK KUMAR MALLIK Presently
Residing at Flat No. 201, FR. Ganpati Residency, East Indra Nagar, Road
No.1, Kankarbagh, P.S. - Kankarbagh, Patna - 20

... .. Petitioner/s

Versus

THE UNION OF INDIA (THROUGH CBI), PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Amarendra Narayan, Adv.
For the C.B.I.	:	Mrs.Nivedita Nirvikar, Sr. Adv.
		Mr. Arya Achint, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in connection with Spl. 05/17:CBI/ACB/Patna RC 02320170006/17:RC 6 (A) registered for the offences punishable under Sections 120B, 420, 467, 468 of the Indian Penal Code and Section 13(2), 13(1)(d) of the P.C. Act, 1988.

3. The prosecution case, in brief, is that the accused Managers of three branches of Bihar Awami Co-operative Bank Ltd. Patna, under conspiracy, opened 41 bank accounts in three branches of the Awami Bank misusing ID proof and Address proof of labour and staff of the Mother's International Academy, Phulwarisharif) and delivered the cheque books collectively to the representative of Md. Arshad Ahmad and allowed



withdrawal from these accounts unauthorizedly for unlawful gain during the period of demonetization.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. After investigation of the case, it came to light that the accounts were opened under the illegal orders of controlling officer Tanweer Ahmad. Petitioner has no role in the alleged crime. During the period of the alleged occurrence, the branch had working strength of 20 employees including the petitioner in which Arshad Ahmad was the Director of Awami Co-operative Bank Ltd. He has been made accused in the present case only with a view to save kingpins. Similarly situated co-accused, namely, Prakash Kumar Sinha, who was the then Branch Manager of Patna City Branch of Bihar Awami Co-operative Branch has been enlarged on anticipatory bail vide order dated 23.11.2023 passed in SLP (Cri) No.12951 of 2023, which is also evident from Annexure 3. Petitioner has no criminal antecedent as mentioned in para-3 of this application.



5. Learned counsel for the C.B.I. opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as earlier this Court has rejected the prayer for anticipatory bail of similarly situated co-accused persons, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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