

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32218 of 2024

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

Kaushlendra Kumar Sharma S/o Shri Ram Nihora Sharma R/o Village-
Sarouti, PS Rampur Chauram, Distrcit Arwal, Bihar

... .. Petitioner/s

Versus

Union of India, through Central Bureau of Investigation (CBI), Patna, Bihar
Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Adv.

For the C.B.I. : Mrs. Nivedita Nirvikar, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in connection with CBI/ACB/Patna P.S. Case No. RC0232017A0006/2017 dated 07.04.2017 (Spl Case No. 05/2017 and RC Case No. 6(A)/2017) 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 has ever taken 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. Petitioner was mere an employee acting under the instructions of his superiors to save his job and future career prospects. He has no role in the alleged crime. The opening of a bank account in the bank does not involve only a single person or a branch manager, therefore, it would be incorrect to say that the petitioner being the Acting Manager was solely responsible for any illegality in process of the account opening. The accounts were opened under the illegal orders of controlling officer Tanweer Ahmad. Petitioner has been made accused in the present case only with a view to save kingpins. He further submits that the petitioner has co-operated in the entire investigation as and when required and the investigating agency has not arrested him during the course of investigation and as such the petitioner may be



granted the privilege of anticipatory bail. It is further submitted that after investigation, the charge sheet has been submitted vide Final Report No. 09/2020 and the learned Court below took cognizance against the accused persons including this petitioner vide order dated 04.09.2020. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned senior counsel for the C.B.I. opposes the prayer for bail and submits that there is ample evidence on record to indicate the complicity of the petitioner in the alleged crime. She further submits that earlier this Court has rejected the prayer for anticipatory bail of similarly situated co-accused persons. Hence, the petitioner does not deserve the privilege of anticipatory 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.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in



accordance with law without being prejudiced by this order considering the fact that the petitioner was not apprehended during the course of investigation as well as the fact that some of the co-accused persons have been granted regular bail.

(Anjani Kumar Sharan, J)

divyanshi/-

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

