IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39319 of 2024
Arising Out of PS. Case No.-15 Year-2018 Thana- C.B.I CASE District- Patna

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Banshidhar Jha S/O Sri Janardan Jha R/O Budhai Tola, Bhikhanpur, Bhath Road, P.S- Ishakchak, Distt.- Bhagalpur.

... ... Petitioner/s

Versus

The Central Bureau Of Investigation (C.B.I.), Patna. Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Advocate
Mr. Prasoon Shekhar, Advocate
Mr. Rajesh Kumar, Advocate
Mr. Ankit Kumar, Advocate

For the Opposite Party/s : Mr.Nivedita Nirvikar, Sr. Advocate
Mr. Pravin Kumar, Advocate
Mrs. Ashmita Bharti, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

11 15-04-2025 Heard learned counsel for the petitioner and learned Senior counsel for the C.B.I.

2. The petitioner apprehends his arrest in connection with R.C. Case No. 15/S/2018 arising out of Kotwali P.S. Case No. 658 of 2017 for the offenses punishable under Sections 420, 120B, 409 and 468 of the Indian Penal Code and Section 13(2) read with Section 13(1)(c) & (d) of the Prevention of Corruption Act.

3. The present F.I.R relates to illegal transfer and misuse of funds from the Government Bank accounts in Bhagalpur, Bihar in a fraudulent manner. The present case is one of the Srijan Scam case, registered by the Bihar Police. As per notification issued by the Government of Bihar and subsequent

notification of Government of India, this case registered asSrijan Kotwali P.S. Case No. 658 of 2017 dated 20.09.2017, was taken up for investigation by C.B.I. The case was registered on the basis of a written complaint dated 20.09.2017 of Shri. Sunil Kumar, the then Block Development Officer, Pirpainti Block, Bhagalpur.

4. The complaint precisely alleged that when Bank accounts of the Block Development Officer, Pirpainti was scrutinized and tallied, irregularities amounting to Rs. 9,52,66,926/- was found.

5. Learned counsel for the petitioner submits that the petitioner was not initially named in the F.I.R and his name has subsequently transpired in the supplementary charge-sheet submitted by the C.B.I on 30.06.2023 i.e. after five years of the case being lodged. The supplementary charge-sheet has been annexed as Annexure-2 to the application. Learned counsel has invited the atsrijan tention of the Court to paragraph no. (vi) of the supplementary charge-sheet which contains the allegations against the petitioner, disclosing that a hard disk was seized from him containing one file number 765370-10566040 consisting of one page relating to account statement of the period from 01.08.2010 to 19.09.2011 of the Block

Development Officer, Pirpainti bearing Account No. 10010100010867 of Bank of Baroda. Investigation also disclosed that the petitioner used to regularly visit the house of Manorma Devi and he was running computer graphics and printing press at Bhagalpur and allegation of criminal conspiracy with Manorma Devi has been alleged in pursuance of which, he used to type and print fake contents of Bank statements in the passbook.

6. The submission on behalf of the petitioner is that the petitioner is implicated in the instant case merely on suspicion as the petitioner was running computer graphics and printing press at Bhagalpur and since one page of the statement of accounts is alleged to have been found with him, the same has become the basis of implication of the petitioner.

7. Learned counsel also submits that several accused persons in different cases of Srijan Scam, bearing similar nature of allegation have already been granted the privilege of anticipatory bail and a few of such orders have been annexed as Annexure-3 Series to the petition. Learned counsel further submits that the entire case is based on documentary evidence and the charge-sheet has already been submitted against him and thus, there is no requirement of any custodial interrogation of

the petitioner in the present case. The petitioner cannot be said to be the beneficiary in this matter as no seizure or recovery has been made from the account of the petitioner or from his possession. The petitioner also undertakes that he is ready to co-operate in the trial and would make himself available before the learned Court below as and when his appearance would be required.

8. The law now stands settled, in view of the judicial pronouncements of the Hon'ble Apex Court as stated in the case of ***Satyendra Kumar Antil vs. C.B.I*** reported in ***(2021) 10 SCC 773*** and other cases wherein it has been laid down that the accused should not be sent to custody merely on filing of the charge-sheet when he was not arrested throughout the investigation and while he also co-operated in the process of investigation. In the case of ***Mahdoom Bava vs. CBI in SLP (Crl.) No. 376 of 2023***, it has been categorically mentioned in paragraph nos. 9 and 10 that if the objection of the C.B.I was to secure the presence of the accused before the trial Court to face the trial, in such circumstances it may not be proper to oppose the anticipatory bail at this stage. It was also held that the appellants apprehend arrest, not at the behest of the C.B.I but at the behest of the trial Court.

9. Learned Senior counsel appearing for C.B.I, however opposes the prayer for anticipatory bail on the ground that the allegations against the petitioner are serious in nature and the supplementary charge-sheet submitted against the petitioner discloses the allegation against him. It has also been submitted that the petitioner has a number of criminal antecedents. In response to the above mentioned submissions made by learned Senior counsel for C.B.I, learned counsel for the petitioner submits that the name of the petitioner has transpired after five years of the F.I.R in the supplementary charge-sheet and it is only after he was made an accused in the present case, a number of cases as stated in paragraph no. 3 of the petition were instituted against him.

10. In view of all the above mentioned facts and circumstances of the case, this Court deems it proper to take into consideration the fact that accused persons with similar nature of allegations in the different cases of Srijjan Scam have already been granted privilege of anticipatory bail. Moreover, considering the judicial pronouncements made by the Hon’ble Apex Court in the cases referred here-in-above read with paragraph 11 and 12 of the counter affidavit of the C.B.I, which discloses that charge-sheet has already been filed in the case and

there was no necessity to arrest the petitioner during the investigation, I am inclined to extend the privilege of anticipatory bail to the petitioner.

11. Let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, be released on anticipatory bail in connection with R.C. Case No. 15/S/2018 arising out of Kotwali P.S. Case No. 658 of 2017 on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI-II, Patna subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to further condition:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court.

(ii) If the petitioner is found tampering with the evidence or witness in the case, the prosecution will be at liberty to move for cancellation of bail.

(Soni Shrivastava, J)

Harsh/-

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