

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35654 of 2015

Arising Out of PS.Case No. -221 Year- 2012 Thana -C.B.I CASE District- MUZAFFARPUR

Nitin Raj Verma S/o Shambhu Prasad Verma, resident BSNL Quarter
Gandhi Chowk, P.S.- Town, District- Chapra (Bihar)

.... Petitioner

Versus

The Union of India through C.B.I.

.... Opposite Party

with

Criminal Miscellaneous No.24032 of 2015

Arising Out of PS.Case No. -1 Year- 2012 Thana -C.B.I CASE District- MUZAFFARPUR

Pawan Kumar Singh S/o Gopal Sharan Singh Resident of Village Gautam
Niwas, Jai Prakash Nagar, Booty Road, P.S. Sadar, District Ranchi
(Jharkhand).

.... Petitioner

Versus

1. The State of Bihar.
2. The Central Bureau of Investigation, Patna.

.... Opposite Parties

Appearance :

(In Cr.Misc. No.35654 of 2015)

For the Petitioner : Mr. Sanjay Kumar Sinha, Advocate.

For the CBI : Mr. Bipin Kumar Sinha (SC, CBI)

(In Cr.Misc. No.24032 of 2015)

For the Petitioner : Mr. Kanhaiya Prasad Singh, Sr. Advocate

Mr. Arun Kumar Singh, Advocate.

For the State : Mr. Panchanand Pandit (APP)

For the C.B.I. : Mr. Sanjay Kumar (SC, CBI)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

8 14-01-2016 Both the Criminal Miscellaneous have arisen out of

the same occurrence and as such have been heard together and are

being disposed of by passing this common order.

Heard the learned counsels for the petitioners as well as the learned counsels for the C.B.I.

The petitioners seek bail in a case for the offences punishable under sections 120 B and 409 of the I.P.C, section 13 (2) read with section 13 (1) © of the P.C. Act, 1988 and section 43 (a) (i) read with section 66 of the I.T. Act, 2000.

Allegedly, amount of Rs. 15.75 crores and Rs. 13.50 crores totaling Rs. 29.25 crores was fraudulently transferred from the account of BCCL Dhanbad with SBI Dhanbad to the account of NAFCO, Gaziabad with Punjab National Bank, Modi Nagar (U.P) after using the password and login IDs of Shiv Shankar Mishra and Suman Kumar as maker and checker and during investigation it transpired that the petitioner Nitin Raj Verma executed the fraudulent R.T.G..S. transaction by sitting in hair cutting saloon in the basement of SBI/ ADB, Muzaffarpur by using the laptop and other electronic equipment and further the laptops used by Nitin Raj Verma for accessing the Bank's internet by sitting in the basement of the Bank near the hair cutting saloon as well as sweet shop situated in the basement were recovered. It also transpired that the whole episode was master minded by Pawan Kumar Singh, the petitioner of Cr. Misc. No. 24032 of 2015, builder by profession and the Managing Director of



Construction Firm called Gautam Green City, Ranchi and at his direction the account details of NAFCO was obtained with the help of other co-accused which was passed over to Nitin Raj Verma and further at the direction of petitioner Pawan Kumar Singh other co-accused proceeded for Gaziabad to receive the said amount but due to timely intervention the withdrawal was not made.

Submission on behalf of petitioner Nitin Raj Verma is that during investigation no concrete material has come, the laptop of the petitioner Nitin Raj Verma was not used in the crime, the confessional statement of the petitioner Nitin Raj Verma and the statement of other co-accused are not reliable and legal evidence, the petitioner Nitin Raj Verma is suffering in custody since 30.07.2012 when he was arrested and in this case charge sheet was filed showing the petitioner in custody but inspite of his petition filed earlier he has been remanded in this case on 12.01.2015 and as such considering his detention lenient view can be taken as in identical case the petitioner Nitin Raj Verma has been allowed bail in R.C. Case No. 221 of 2011/ E0002 by the Jharkhand High Court in Bail Application No. 8711 of 2014.

On behalf of petitioner Pawan Kumar Singh it has been submitted that nothing has been recovered from his

possession, he was not involved in transferring the account, the statement of co-accused cannot be used against the petitioner and in identical case he has been allowed bail by the Jharkhand High court in B.A. No. 7823 of 2013 as during investigation only it has come that the petitioner was involved in the conspiracy and nothing more.

Both the learned counsels for the C.B.I. representing in both the cases oppose prayer for bail by pointing out the specific role played by both the petitioners submitting that Nitin Raj Verma executed RTGS transaction on the basis of the account details of NAFCO provided by petitioner Pawan Kumar Singh and the petitioner Pawan Kumar Singh has master minded to whole episode.

In the facts and circumstances as stated above, considering that petitioner Nitin Raj Verma has been remanded in this case on 12.01.2015 and the petitioner Pawan Kumar Singh has been remanded in this case on 11.03.2015 and during investigation it has transpired that petitioner Nitin Raj Verma played active role in executing the RTGS transfer in conspiracy with other co-accused and petitioner Pawan Kumar Singh and as such this Court is not inclined to release both the petitioners on bail and accordingly their such prayer stands rejected in connection with

RC-01 (E) of 2012/ Trial No. 18 of 2015 pending in the court of
Smt. Anupam Kumari, Special Judicial Magistrate (C.B.I.),
Muzaffarpur.

(Jitendra Mohan Sharma, J)

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