

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6534 of 2018**

Arising Out of PS. Case No.-23 Year-2015 Thana- C.B.I CASE District- Patna

Neelam Devi, W/o Shri Anant Kumar Singh, Director of M/s Raj Nandani Projects Pvt. Ltd. R/o Village- Nadwan, P.S.- Barh, District- Patna (Presently Residing at I- Mall Road, P.S.- Sachivalay, District- Patna.

... .. Petitioner/s

Versus

The Central Bureau of Investigation.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur

Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar, SC, CBI

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      06-02-2018              Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Sanjay Kumar, learned counsel for CBI.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 120B read with 420,468 and 471 of the IPC and Section 13(2) read with 13(1) (d) of Prevention of Corruption Act.

The prosecution case got initiated with the written report of N.V. Navaneethkrishnan, Deputy Superintendent of Police, CBI, ACU-VI, New Delhi addressed to the Superintendent of Police, CBI, ACU -VI, New Delhi dated 29.7.2015 to the effect that on the basis of a reliable source, information was given alleging large scale malpractices in the award of works contract by NTPC Ltd., Barh Super Thermal Power Project, to M/s Raj



Nandani Projects Pvt. Ltd. Consequently, a joint surprise check was conducted by a team of officials from CBI, AC – II, New Delhi and officials from NTPC Vigilance on 2/3.7.2015 at NTPC Ltd., Barh Super Thermal Power Project, Barh. The Joint Surprise check revealed that NTPC Ltd. Barh, Patna floated limited tender on 6.9.2010 with due date on 1.11.2010 for awarding the work of Unloading and stacking of steels consignments by crane at steel yard at NTPC, Barh, STPP. In response to the limited tender, two firms quoted their rates and the lowest rate of Rs.31,50,000/- was quoted by M/s Raj Nandani Project Pvt. Ltd. Ms Raj Nandani is one of the Directors of M/s Raj Nandani Project Pvt. Ltd. and as per the tender, two following pre-conditions were there for tenderer, apart from other conditions:

1. Average turn-over in the preceding three years shall not be less than Rs.31,50,000/- and

2. Such firm shall have successfully executed during the last seven years, three similar works valuing not less than Rs.12,60,000/- each or two similar works of Rs.15,75,000/- or one work of Rs.25,20,000/-.

During the surprise check, it was found that petitioner as one of the Directors of M/s Raj Nandani Project Pvt. Ltd.,



submitted a fictitious experience certificate purportedly issued by M/s Navayuga Engineering Co. Ltd. suggesting therein that the petitioner's firm, namely, M/s Raj Nandani Project Pvt. Ltd. have seven years' experience, though the firm was established in 2008 itself.

During investigation, it also transpired that the letter dated 16.12.2010 submitted on behalf of M/s Raj Nandani Project Pvt. Ltd. which is the work order dated 6.1.2008 in favour of M/s Raj Nandani Project Pvt. Ltd., purportedly issued by M/s Navayuga Engineering Co. Ltd. as well as the Memorandum of Association and Article of Association in respect of M/s Raj Nandani Project Pvt. Ltd. as also the audited balance sheet of M/s Raj Nandani Project Pvt. Ltd. for the period 2008-09 and 2009-10 which were submitted before the Deputy General Manager (C &M), NTPC Ltd., Barh was prepared by Naresh Kumar by forging the signature of the petitioner Neelam Devi.

Consequently, the FIR was registered against unknown officials of M/s NTPC Ltd., Barh Super Thermal Power Project, M/s Raj Nandani Project Pvt. Ltd. and Sri Anant Singh, MLA, who happens to be the husband of the petitioner.

It is submitted by learned counsel for the petitioner that the NTPC Barh never made any complaint against the



petitioner's firm or the petitioner. The work in question was awarded in 2010 to M/s Raj Nandani Project Pvt. Ltd. The work was completed in 2011 to the full satisfaction of NTPC, Barh but the present FIR was lodged in 2015. Till date, NTPC, Barh has neither blacklisted the firm in question nor has stopped awarding contract to it. Till date M/s Raj Nandani Project Pvt. Ltd. is getting the contract. Statement to that effect has been made in paragraph 20 of the petition. It is further submitted that now the investigation has been completed and final form has been submitted. The petitioner was not specifically named in the FIR but her name transpired during investigation when final form was submitted on 27.12.2016 against the petitioner and co-accused Naresh Kumar only, under Sections 120B read with 420,465,468 and 471 of the IPC. Chargesheet has not been submitted under the Prevention of Corruption Act since no evidence came against any officials of the NTPC, Barh or the husband of the petitioner who is Member of Bihar Legislative Assembly.

So far as the forging the signature of petitioner by co-accused Naresh Kumar is concerned, with regard to that also the NTPC has not raised any objection. Moreover, the said accusation is specific against co-accused Naresh Kumar and not



against the petitioner. The accusation against the petitioner being Director of M/s Raj Nandani Project Pvt. Ltd. is that she submitted a forged experience certificate claiming to have worked with M/s Navayuga Engineering Co. Ltd. There is nothing on record to suggest that the petitioner's firm was not working in league with M/s Navayuga Engineering Co. Ltd. from before. From the final form, it does not appear that the alleged experience certificate and the signature of co-accused Naresh Kumar were transmitted to any finger print expert. The petitioner is a lady. Though statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, but a supplementary affidavit dated 2.2.2018 has been filed stating therein that the petitioner is accused in Barh P.S. Case No. 133 of 2004 wherein the petitioner has been granted anticipatory bail vide order dated 17.9.2004 passed in Cr. Misc. No. 25167 of 2004. The counsel for the petitioner is permitted to make correction in paragraph no. 3 of the main petition. The petitioner undertakes to appear regularly during trial.

Mr. Sanjay Kumar, learned counsel for the CBI submits that though on completion of work, the information was gathered by the CBI that by virtue of the position of her



husband, the petitioner's firm got contract work on the basis of forged experience certificate, hence the case was lodged against unknown officials of the NTPC, husband of the petitioner and the firm of the petitioner M/s Raj Nandani Project Pvt. Ltd., but during the investigation, it was found that the officials of NTPC were not involved with the husband of the petitioner, hence, they were not sent up for trial. However, charge sheet has been submitted against the petitioner.

Considering the rival submissions of the parties, keeping in view the fact that NTPC has not raised any objection with regard to the work being awarded or being completed by the petitioner's firm and subsequent to the completion of work, NTPC has awarded further contract to the petitioner's firm, moreover, the work was done in 2010 whereas the FIR was registered in 2015 and now the investigation has already concluded and final form does not suggest that the petitioner has not cooperated during investigation, moreover, the petitioner is a lady, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI - III, Patna in connection with Special Case



No. 6 of 2015 arising out of RC Case No. 23(A)/2015 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

This is, however, clarified that this Court has not expressed any opinion on the merits of accusation levelled in the FIR or the charges levelled in the Final Form (chargesheet).

The learned trial court will be at liberty to consider the cancellation of bail bonds of the petitioner if she fails to appear on three consecutive occasions during trial.

**(Dinesh Kumar Singh, J)**

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