IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13449 of 2018

Arising Out of PS.Case No. -13 Year- 2017 Thana -C.B.I CASE District- PATNA

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Arun Kumar Singh, son of Late Shivshankar Singh, Resident of Village- Mashachak, K.C. Chatterjee Lane, Police Station- Adampur, District- Bhagalpur.

.... Petitioner/s

Versus

Central Bureau Investigation, New Delhi

.... Opposite Party/s

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with

Criminal Miscellaneous No.7781 of 2018

Arising Out of PS.Case No. -13 Year- 2017 Thana -C.B.I CASE District- PATNA

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Sarita Jha, Wife of Mithilesh Pathak, resident of Chhoti Hat, Sabour, P.S.- Sabour, District- Bhagalpur and permanent resident of Village- Bharko, P.S. Amarpur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through C. B. I.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.13449 of 2018)

For the Petitioner/s : Mr.B.P.Pandey, Sr.Adv.
: Mr.Aakash, Adv.
: Mr. Nivedita Nirvikar
For the Opposite Party/s : Mr. Bipin Kumar Sinha(SC, CBI)

(In Cr.Misc. No.7781 of 2018)

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.
: Mr. Chaudhary Prem Kumar Thakur
For the Opposite Party/s : Mr. Bipin Kumar Sinha (Sc,Cbi)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

7 10-05-2018 Heard learned counsel for the petitioners and learned APP for the State in both the applications.

Petitioners seek bail in a case registered for the offences punishable under Sections 120B, 409, 420, 467, 468, 471/34 of the Indian Penal Code and Section 13(2) read with 13(1) (d) of Prevention of Corruption Act, 1988.

This criminal matter is commonly and popularly known in the State of Bihar as SRIJAN scandal of hundred-thousand crores. The FIR was lodged by the Successor Land Acquisition Officer, alleging therein that compensation amount of land acquisition matter was deposited in different bank accounts and the same were wrongly transferred to SRIJAN Mahila Vikas Sahyog Samiti and in turn SRIJAN Mahila Vikas Sahyog Samiti transferred the amount in the bank account of the person in a conspiracy.

Three stake holders were involved. The first were the District Land Acquisition Officer, Bhagalpur and his employees, who issued account payee cheque to be deposited in the Bank of Baroda Branch at Bhagalpur. When the cheque reached there, the bank authorities did not credit the amount to the referred account though the cheques were account payee, rather created forged evidence of credit of the aforesaid amounts, and they immediately issued banker's cheque in the name of SRIJAN (an N.G.O.)for disbursements of the amount to the beneficiaries/land owners.

Petitioner-Arun Kumar Singh was Branch Manager of Bank of Baroda, Bhagalpur. His designation was of Chief Manager. However, the said branch was also a Class-IV branch. Therefore, only Senior Managers are posted as Branch Manager in such branches.

Petitioner-Sarita Jha was Manager of SRIJAN and allegation is that she was co-signatory of the cheques issued by SRIJAN to different persons, whereby the money was dwindled to different bank accounts including in the bank account of District Land Acquisition Officer, Koshi Range. Though there was no reason for transfer of money to District Land Acquisition Officer, Koshi Range.

Learned counsel for the petitioners submits that the petitioners are in custody since 12.08.2017. Investigation against them is closed and they are ready to cooperate with the trial.

Learned senior counsel for the petitioner-Arun Kumar Singh submits that there is no material to substantiate that any of the cheques were signed or passed by this petitioner nor there is any material to substantiate that the petitioner was in any way directly or indirectly involved with clearance of any of the cheques. Submission is that the chargesheet submitted by C.B.I would reveal that main allegation is against Mr. Brun Kumar, the Branch

Manager of the Bank. He was directly involved alongwith other employees of the bank in transfer of the money. In fact, Mr.Arun Kumar Singh joined in the said Branch on 10.07.2014 and retired on 31.10.2015 prior to lodging of the FIR. Learned senior counsel has referred the following paragraphs of the chargesheet to substantiate that there is no direct material against the petitioner. Paragraphs-16.16, 16.21, 16.23, 16.27, 16.29, 16.30, 16.35 and 16.39.

Learned counsel for the petitioner-Sarita Jha submits that only material that has come during investigation by the C.B.I. against the petitioner is that she was co-signatory of the different cheques alongwith Manorma Devi. Submission is that in fact Manorma Devi was the Head of SRIJAN and at her dictate, petitioner-Sarita Jha had signed on different blank cheques, which are referred in the chargesheet by the C.B.I in paragraph-16.42.

On the other hand, learned counsel for the C.B.I submits that sufficient material has surfaced during investigation of the case against the petitioners in the sense that normally such huge amounts never came in the past in the branch of such level of bank. The evidence has come that the account payee cheques received by the Bank were never credited in the account rather hurriedly banker's cheque were issued in the name of SRIJAN of the said amount, which were in hundred of crores and the SRIJAN authorities in turn makes payment to unauthorized and undeserving person under a conspiracy. Everyday's information of incoming and outgoing of money, was there on email of Mr. Arun Kumar Singh and he connived in whole scandal.

Considering the nature of allegation against the petitioners and materials surfaced during investigation as well as far reaching socio-economic impact of the crime alleged, I am not inclined to enlarge the petitioners on bail in connection with R.C. Case No. 13 of 2017 pending in the court of learned Special Judge, C.B.I.-cum-Additional Sessions Judge-III, Patna/successor court.

Hence, prayer for bail is refused.

Prayer of the petitioners is that the learned Trial Court may be directed to expedite the trial of the petitioners.

Considering the fact that investigation of the matter is still going on, though against some other co-accused. However, information of the C.B.I. is that more embezzlement of money by different authorities including the petitioners are likely to surface during investigation and considering submission of the C.B.I. that probably within six months entire investigation would be completed, no such direction is required.

It is at the discretion of the learned Trial Judge to proceed with the trial.

(Birendra Kumar, J)

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