IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23404 of 2018

Arising Out of PS. Case No.-515 Year-2017 Thana- GANDHIMAIDAN District- Patna

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Shiv Kumar Jha, Son of late Man Mohan Jha Resident of Village Sumbha Deorhi, P.S. Mahe Singhia, District- Samastipur, at Presently residing Resident of Mohalla- B-35, Nandan Home, Khajpura, P.S. Hawai Adda, District- Patna the then C.R.O. (Customer Relation Officer/ Deputy Manager), State Bank of India Main Branch, Patna at Presently Posted as Accountant State Bank of India, Gurhatta Kala, Buxar.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The Deputy Inspector General of Police, Vigilance Department, Bihar, Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pravin Kumar Sinha
For the Opposite Party/s : Mr. Sri Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

6 12-07-2018 Heard learned counsels for the petitioner and the State.

The petitioner, already in custody, seeks bail in connection with Gandhi Maidan P.S.Case No. 515 of 2017 registered under Sections 120B/34, 409, 420, 467, 468 and 471 of the Indian penal Code and Section 13(1)(c)(d) read with 13(2) of the Prevention of Corruption Act.

Specific allegation against the petitioner is that in connivance with the principal accused of the case concerned, the Executive Engineer and Accountant of the P.H.E.D., cleared 10 cheques in favour of different N.G.O. despite the fact that cheques were not signed by the joint account holders and it is alleged that Rs. 10 lacs was given to the petitioner as commission amount.

Submission is that out of 21 cheques, 11 cheques were signed by both account holders but ten cheques were signed by only one account holder though cheques were passed, it may be a case of negligence by the petitioner but it was not done intentionally as there was forwarding letter by the Executive Engineer. It is further submitted that petitioner has been in service for last 30 years and has unblemished service record and has been in custody since 10.11.2017. He further submits that petitioner has got more than 40 lacs in his Provident Fund Account and can be withhold till the conclusion of the trial subject to its result.

Learned counsel for the State submits that it's not a case of negligence, as ten cheques totaling above Rs. 40 lacs not issued by joint account holders was cleared and transmitted in favour of N.G.O coming into conspiracy with principal accused of the case, so it's a scam of wider implication.

Having considered the aforesaid facts and circumstances and the enormity of the scam and clearance of cheques without required signature of the joint account holders, the Court is not inclined to grant bail to the petitioner. So prayer of bail is rejected.

As pointed out, charge sheet has already submitted in this case; so Special Judge, Vigilance, Patna is directed to expedite the trial and preferably conclude the same within two years.

(Arun Kumar, J)

sujit/-

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