IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65830 of 2018

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

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Rakesh Kumar Jha, Son of Late Upendra Prasad Jha, Resident of Village- Balthara, P.O.- Harchandi, Police Station- Rajaun, District- Banka, Present address Quarter No.4, Police Colony Campus Near Marwari Pathasala Bhagalpur.

... ... Petitioner/s

Versus

The Union of India Through The Additional Director General, Central Bureau of Investigation.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Verma
For the Opposite Party/s : Mr. Bipin Kumar Sinha(Sc, C.B.I.)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-12-2018 Heard the parties.

The petitioner seeks regular bail in connection with R.C.Case No.13 of 2017 registered for offences punishable under Sections 120B, 409, 467, 468, 471 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

It appears that earlier a case had been lodged by the District Land Acquisition Officer for swindling of the amount of Rs.274 crore and the petitioner was one of the signatories in the FIR lodged by the then District Land Acquisition Officer and the case was handed over to the SIT, as appears that it is a big scam, and later on the case has been transferred to the C.B.I. and it appears that up till now Rs.1,000 crore has been swindled, which may increase. It further appears that the petitioner was Nazir in the District Land Acquisition Officer.

Submission of the learned counsel for the petitioner is that he is one of signatories of written report and disclose the scam and being Nazir it is the duty of the Nazir to obtain the allotment from the District Treasury and deposit the same in the account of the Land Acquisition Office and and it is alleged that he obtained the allotment and deposited the same in the account of the Land Acquisition Office, who transferred the amount in the SrijanMahila Vikas Sahyog Samity Ltd. and the petitioner has no hand in that and in support of that and he has referred to para 68 and 70 of the petition stating that the bank has not found any irregularity in that and in spite of that the petitioner is in custody for two years.

Heard learned A.P.P. and the learned counsel for the C.B.I. They have stated that it is a big scam of Rs.1000 crore of the government amount in favour of the Srijan Mahila Vikas Sahyog Samity Ltd. and the petitioner was Nazir in the District Land Acquisition Office and the Nazir is the duty bound to obtain the government fund from the District Treasury Office and deposit the same in the Nationalised Bank and the petitioner has to maintain the cash register and keep it up to date on the basis of day to day and month-wise as such it can not be said that the petitioner has no knowledge about the aforesaid scam and in support of his contention he has produced some cheques showing that those cheques clearly shows that the petitioner has kept the aforesaid amount in the Swift account of Srijan Mahila Vikas Sahyg Samiti Ltd. as such the petitioner has direct involvement in that and further investigation of the case is still going on. and if the prayer for bail of the petitioner is allowed, it will hamper in the investigation also.

Having heard both sides, in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, as such the prayer for bail of the petitioner is rejected.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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