

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25922 of 2019

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

Shiv Kumar Jha Son of Late Man Mohan Jha Resident of Village Sumba Deorhi, P.S.- Mahe Singhia, District- Samastipur , at presently residing 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 Superintendent of Police, Vigilance, Govt. of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar @ Alok Kr Shahi,
For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-11-2019 Heard Mr. Ansul, learned counsel for the petitioner
and Mr. Ajay Mishra, learned counsel for the Vigilance.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 467, 468, 471, 409, 420 and 120B/34 of the IPC and Sections 13(1)(c)(d) of the Prevention of Corruption Act, 1988.

Earlier the prayer for bail of the petitioner was rejected by a bench of this Court (now retired) vide order dated 12.07.2018, passed in Cr. Misc. No. 23404 of 2018.

The prosecution case is that the petitioner, being the accountant, posted at main branch of State Bank of India, Patna,



in connivance with other co-accused persons cleared ten cheques worth Rs. 40 lacs in favour of different N.G.Os., in spite of the fact that cheques were not signed by both the joint account holder. It is also alleged that Rs. 10 lacs were given to the petitioner as commission.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in jail since about last two years. It is further submitted that altogether 21 cheques were submitted, out of which, 11 cheques were validly signed by both the joint account holder and inadvertently, remaining 10 cheques were cleared without the signature of both the joint account holder. It is further submitted that the petitioner is ready to deposit Rs. 25 lacs before the learned Court below within a period of three months. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the Vigilance submits that the petitioner, in connivance with other accused persons, misappropriate Rs. 40 lacs.

It appears that this Court, vide order dated 26.08.2019 called for the report from the Court of learned Special Judge, Vigilance 1st, Patna with regard to period in which the trial is likely to be concluded. The report of the learned Special Judge,



Vigilance 1st, Patna, dated 21st of September, 2019 reflects that charges have still not been framed, hence there is no likely of trial being concluded in near future.

Considering the present stand of the petitioner, period under custody and the report of the trial court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Vigilance 1st, Patna in connection with Special Case No. 349 of 2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017.

The bail bonds of the petitioner shall be provisionally accepted till the petitioner deposits Rs. 25 lacs before the learned Court below, which will be subject to the conclusion of the trial.

(Dinesh Kumar Singh, J)

Amrendra/-

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