IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14492 of 2019

Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

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SANT KUMAR SINHA, Son of Late Anil Chandra Sinha, R/o Indraprastha Colony, Lichi Bagan, Ishakchak, P.S. Ishakchak, District - Bhagalpur

... ... Petitioner

Versus

CENTRAL BUREAU OF INVESTIGATION Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Bipin Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

3 02-05-2019 Petitioner seeks bail in anticipation of his arrest in connection with Special Case No. 04 of 2018, arising out of R/C Case No. 17/A/2017 bearing RC 2172017A0017 dated 25.8.2017 instituted for the offences punishable under Sections 120B, read with Sections 409, 420, 467, 468, 471, 477A of the Indian Penal Code and Sections 13(2), read with Section 13(1)(d) of Prevention of Corruption Act, 1988.

Allegation against the petitioner, who is a Clerk in the Bank of Baroda, is of fraudulently diverting different amounts to different Yojnas to the account of Srijan Mahila Vikas Sahyog Samiti Limited (hereinafter to be referred as SMVSSL) and also to some other accounts. There is further allegation against the petitioner is that he has been issued a cheque book and the cheques were used, filled up by him, for diverting the funds.

Submission of learned counsel for the petitioner is that investigation revealed that though cheques were filled up by other staff but signed by the Branch Manager and he has falsely been implicated in this case and one of the cheques was filled up by the petitioner at the instance of the Branch Manager of the Bank. Further submission is that petitioner has retired from service and his career was throughout unblemished.

Heard learned counsel for the CBI. He submits that during investigation it has come that amounts which are for the Zila Parishad under under Mukhya Mantri Gramodaya Yojna, Thirteen Finance Commission, Fourth State Finance Commission, Fifty State Finance Commission and Backward Region Grant Fund, etc. such fund has been diverted to the SMVSSL and petitioner was working in the Bank of Baroda as a Clerk during the period from August, 1990 to December, 2015 and he has entered into the Bank sustem of SBI Banker’s cheque No. 660405 dated 19.3.2013 amounting to Rs. 6,31,00,000/- and Cheque No. 445724 dated 02.11.2013 amounting to Rs.12,20,00,000/- which were meant for the account of DDC-cum-CEO, Bhagalpur to the account of SMVSSL and investigation reveals that the petitioner has filled up false pay-in-slips pertaining to transactions of SBI Banker’s Cheque Nos. 467708 amounting to Rs.8,27,00,000/- and 453651 amounting to Rs.4,85,00,000/- and he also fraudulently entered in the Bank sustem the forged cheque cheque bearing Nos. 52905, 47402 and 47414 amounting to Rs.2,00,00,000/- each and as such in collusion with others he conspired in diverting the funds meant for different Yojnas and causing loss to the Government revenue, though it has been submitted by learned counsel for the petitioner that most of the cheques were filled up by other staffs and signed by the Branch Manager of the Bank. However, material has come to showing that cheque leaves serially numbered from 047401 to 047450 issued by Bank of Baroda, Bhagalpur Branch in favour of Backward Region Fund Account No. 10010100010844 was received by the petitioner from the Bank and the same was not delivered in the office of the DDC-cum-CEO, Bhagalpur and even according to the petitioner, one of the cheques was filled up by him at the instance of the Branch Manager of the Bank.

Considering the entire discussions made above as well as the materials available on the record and the magnitude of the scam, I am not inclined to grant the privilege of anticipatory bail to the petitioner, as such, prayer for anticipatory bail of the petitioner is dismissed.

(Vinod Kumar Sinha, J)

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