

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21667 of 2019

Arising Out of PS. Case No.-78 Year-2017 Thana- SALAIYA District- Aurangabad

CHANDAN KUMAR RANJAN Son of Sri Suraj Prasad Rajak Resident of
Village - Bundi Bigha, Post - Pirtu, P.S.- Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE SUPERINTENDENT OF
POLICE ECONOMIC OFFENCE UNIT, BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Choubey, Sr. Advocate Mr. Amit Kumar, Advocate Mr. Sanjay Kumar Singh, Advocate Mr. Srijan Jha, Advocate
For the E.O.U.	:	Mr. V.N.P. Sinha, Sr. Advocate Ms. Soni Shrivastava, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 22-10-2019 Heard Mr. Kamal Nayan Choubey, learned Senior
Counsel for the petitioner and Mr. V.N.P. Sinha, learned Senior
Counsel appearing on behalf of the E.O.U.

The petitioner is in custody since 21.08.2018 in connection with Salaiya (Aurangabad) P.S. Case No. 78/2017 corresponding to Special Case No. 43/2018 registered for the offence punishable under Sections 409/420/34 of the Indian Penal Code and under Sections 13(2) read with 13(i)(d) of the Prevention of Corruption Act.

The present bail application has been preferred by a contractual headmaster of the School who is a dismissed headmaster of the Primary School, Tekabigha, Madanpur,



Aurangabad.

At very outset, learned Senior Counsel for the petitioner submits that the present petitioner has, after the lodging of the FIR, been placed under suspension and has subsequently been dismissed from service.

The allegation against the present petitioner is that a huge amount of money to the tune of over Rupees two crores forty-six lacs was transferred into the accounts of the School which was opened by the petitioner in the Madhya Gramin Bank and subsequently into the account of the petitioner and the petitioner in league with one Pramod Choudhary has opened accounts in his name and that of his wife and transferred the aforementioned amounts received in the name of the School to his own personal account. The further allegation against the present petitioner is that after opening such accounts in his own personal name, the petitioner purchased the truck and also took a loan for a car which he paid out of the accounts which were opened in his own name.

Learned Senior counsel for the petitioner further submits that the said allegation against the petitioner is wholly misconceived and he was merely a contractual headmaster and the person who was transferring such amounts of Government



money in the name of the School were actually the District Welfare Officer (Shanti Bhushan Arya) and the Block Education Officer (Bimla Mariya Lakda). The District Welfare Officer (Shanti Bhushan Arya) was extended the privilege of regular bail by the Court below whereas the lady Bimla Mariya Lakda has been granted pre-arrest bail by this Court in connection with the said occurrence in Cr. Misc. No. 24396 of 2018 vide order dated 22.06.2018. He thus submits that the petitioner being only a tool for the great operations of transference of money from one account to the other may not be made the victim of the entire fraud and be also extended the similar privilege of bail as he has already remained in custody since 20.08.2018.

Learned counsel for the petitioner further submits that charge-sheet in the present case has already been submitted on 15.11.2018 and all records which were required by the Economic Offence Unit have been taken in custody and bank accounts of the petitioner have also been seized and have been rendered inoperative. He further submits that the petitioner is willing to pledge whatever land he has in his custody which is alleged to have been purchased out of Government money in the name of his wife and also the land which he has purchased in his own name earlier in 2008, if extended the privilege of bail.



He further submits that the petitioner shall honour the undertaking given to this Court and will present himself for collecting the police papers in the Court below along with the documents pledging the said lands, if appropriate directions are issued to the said effect whereupon the Court below may grant him bail.

Learned Senior Counsel appearing on behalf of the E.O.U. has however, seriously contested the matter and submitted that the petitioner being the only person along with one Pramod Choudhary who had withdrawn the amounts from the bank accounts which were opened in the name of the School in Madhya Gramin Bank, should not be extended any such benefit as they have actively connived with the authorities to cause serious loss to the State Exchequer and such benefit would hamper the progress of the trial and may even cause tampering of evidence. Learned counsel for the E.O.U. has pointed to several paragraphs of the case diary in which it has come that the petitioner has purchased land in the name of his wife and also a truck out of the funds which were released in the name of the School by transferring them into his own bank account which disentitles him to the benefit of bail.

Having considered all facts and circumstances of



the case including the contentions raised by the learned Senior Counsel appearing on behalf of the E.O.U., this Court finds that the petitioner has already been in custody for over a year and has undertaken to pledge his lands in favour of the State, subject to the result of the trial. He is also undertaking to be present before the Court on each and every date as and when required and that he shall not absent himself from the proceedings of the Court without the proper permission of the Court.

In view of the aforementioned facts and circumstances, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-1, Patna, in connection with Salaiya (Aurangabad) P.S. Case No. 78/2017, subject to the following conditions:-

(1) The petitioner will file the aforementioned pledge documents before the Court within fortnight from the date of production of a copy of the order whereupon the Court after considering the said pledged documents will release the petitioner.

(2) One of the bailors will be the father of the petitioner.



(3) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(4) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(5) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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