IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19339 of 2019

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

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AMARENDRA PRASAD SAHOO @ AMRENDER PRASAD SAHU, aged about 59 years, Male, Son of Sri Kailesh Chandra Sahoo, Resident of Plot No. 980, Phase- II, Bhimatangi Housing Board Colony, P.O.- Old Town, P.S.- Air Field, Khordha, Bhubneshwar, Orissa ... Petitioner

Versus

THE STATE THROUGH CENTRAL BUREAU OF INVESTIGATION, BIHAR AT PATNA Bihar ... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Rama Kant Sharma, Sr. Adv. with Mr. Shantanu Kumar, Adv.
For the Opposite Party	:	Mr. Bipin Kumar Sinha, SC (CBI)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 29-07-2019 Heard learned counsel for the petitioner and learned counsel for the Central Bureau of Investigation.

The petitioner seeks pre-arrest bail in connection with Spl. Case No. 4 of 2018 – RC Case No. 17 / A/ 2017 (arising out of R.C. 2172017/Central Bureau of Investigation/ACU-V/AC-II/New Delhi) pending in the Court of the Special Judge, C.B.I. II, Patna, for the offences alleged under Sections 34, 120B, 409, 419, 420, 467, 468 and 471 of the Indian Penal Code.

The accusation is that banker's cheque issued by the State Bank of India on the request of District Development Commissioner-cum-CEO, Bhagalpur, for depositing in the account of the Bank of Baroda, Bhagalpur, but, the same was deposited in another account under the conspiracy of the officials of the District Development Commissioner and officials of Bank of Baroda, Bhagalpur.

Submission on behalf of the petitioner, Amarendra Prasad Sahoo @ Amrender Prasad Sahu, is that he was posted as Senior Manager, Bank of Baroda, Bhagalpur, in between 03.01.2013 to 05.07.2013. On 16.03.2013, the District Development Commissioner-cum-CEO, Bhagalpur, send the bill PL Cheque no. A236878 of Rs.6,31,00,000/- for issuing banker's cheque in favour the Branch Manager, Bank of Baroda, Bhagalpur. After passing the bill by the Treasury Office, the PL Cheque and application were presented at State Bank of India, Bhagalpur, for issuance of banker's cheque. Accordingly, cheque no. 660405, dated 19.03.2013, of Rs.6,31,00,000/- was issued in favour of Branch Manager, Bank of Baroda, Bhagalpur, which was collected by Rakesh Kumar, Nazir of District Development Commissioner's Office, and made the entry in his cash book of Backward Region Grant Fund General Scheme. Rakesh Kumar, under conspiracy with Smt. Manorma Devi, Secretary, Srijan Mahila Vikas Sahyog Samiti Ltd., instead of depositing the said cheque in the account of District Development Commissioner-cum-CEO at Bank of Baroda, Bhagalpur, fraudulently handed over the same to Sant Kumar

Sinha, Clerk of Bank of Baroda, Bhagalpur, who by abusing his official position prepared official pay-in-slip for crediting the amount of the said cheque in the account of Srijan Mahila Vikas Sahyog Samiti Ltd. Ridhi Mishra, checked the same and all cheque, more than 75 in number, were placed before the petitioner, who cleared all the cheque for respective account, as such, the petitioner has no hand in conspiracy of Rakesh Kumar, Nazir of the office of the District Development Commissioner, Bhagalpur. In the investigation, Ridhi Mishra, who is checker of the cheque, has not been made accused. The petitioner is neither the maker nor the checker of alleged cheque of which amount was to be credited in the account of District Development Commissioner-cum-CEO, Bhagalpur. Mere on suspicion, petitioner who was the Senior Manager in scale III in Bank of Baroda, Bhagalpur, has been implicated, which he had no role in conspiracy.

On the other hand, Sri Bipin Kumar Sinha, learned counsel appearing for the Central Bureau of Investigation, submits that in fact on the date of presenting the cheque, in question, for crediting the amount of Rs.6,31,00,000/- in the account of District Development Commissioner-cum-CEO, Bhagalpur, the petitioner was posted as Senior Manager, Bank of Baroda, Bhagalpur, and lastly the amount of the cheque was credited by the petitioner into the account of Srijan Mahila Vikas Sahyog Samiti Ltd., which was to be credited in the account of District Development Commissioner-cum-CEO, Bhagalpur.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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