IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51069 of 2018

Arising Out of PS. Case No.-15 Year-2017 Thana- C.B.I CASE District- Patna

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1. Subrat Das @ Subrata Das, son of Late Sunil Chandra Das, Retired Senior Manager (Scale-III) from Assets Recovery Management, 2nd Floor, 3/1 R.N. Mukharjee Road, Kolkata-01. Permanent Address – 5/26 Ramkrishna Apartment Nandlal Basu Sarani, College Para, P.S-Siliguri, District-Darjeeling (West Bengal).

2. Pradyut Kumar Biswas @ P.K. Bishwas @ Vishwash, son of Sri Kalipada Biswas, Retired as Assistant Branch Manager, Indian Bank, Shyambazar, Kolkata-700004. Present Address- Annapurna, 14/23, Bose Pukur Road, Flat No.2A, 2nd Floor, P.S.Kasba District-Kolkata, West Bengal-700042.

... ... Petitioners

Versus

The Central Bureau Of Investigation

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Binay Kumar Singh, Advocate
For the C.B.I.	:	Mr. Bipin Kumar Sinha, SC/CBI

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

21 23-07-2019 Heard leaned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of Central Bureau of Investigation.

The petitioners apprehend their arrest in connection with Special Case No. 09 of 2017 (R/C-15/A/2017), arising out of Bhagalpur Kotwali P.S. Case No. 508 of 2017, registered under Sections 409, 420, 467, 468, 471 and 120(B)/34 of the Indian Penal Code, pending in the court of the Addl. Sessions Judge-III-cum-Special Judge, CBI-II, Patna.

Accusation is that Bhagalpur Central Co-Operative Bank Ltd., Bhagalpur had two current accounts i.e. Current Account No. 10010100013202 in Bank of Baroda, Bhagalpur and another Current Account No. 6084978909 in Indian Bank, Bhagalpur with Sweep account facility. In the financial year 2016-2017, statement of both the accounts was obtained, accordingly, Rs.30,56,97,998.76/- and Rs. 18,00,15,479.83/-, was shown as balance in both Current Accounts. According to the balance shown in the current account of Indian Bank, a cheque of Rs. Five Crores was presented on 03.08.2017 at Indian Bank, Bhagalpur for transfer through RTGS in Account No. 06510200001581 of IDBI Bank, Patna then oral information was given by the Indian Bank that the amount is not sufficient. Thereafter, on verification, it was detected that the amount of RS. 20,00,00,000/- (Twenty Crores) deposited in current account of Indian Bank through Cheque Nos. 814427, 814439, 840964, 162669 and 807452 was not credited in the current account, which clearly indicates about misappropriating the said money by the officials of Indian Bank, Bhagalpur.

Learned counsel appearing on behalf of the petitioners submits that the petitioner No.1 Subrat Das @ Subrata Das and petitioner No.2 Pradyut Kumar Biswas @ P.K.

Bishwas @ Vishwash were posted as Assistant Manager in between 08.06.2012 to 01.08.2013 and 27.04.2009 to 05.08.2012, respectively, and during the said period they had discharged their official duties. In course of investigation, it has come that the current account of Bhagalpur Central Co-Operative Bank Ltd. was opened on 01.12.2012 before opening of current account, Hari Shankar Upadhyaya, Manager Account, BCCBL forwarded a cheque of Rs. Eight Crores to open STDRs at the interest of 9.50%, which is said to be processed in the bank during which petitioner No.1 Subrat Das being the Assistant manager authorized to credit entry in favour of Srijan Mahila Vikash Sahyog Samitee Limited, Bhagalpur (SMVSSL) on the strength of credit voucher. Similarly, a cheque of Rs. Three Crores of BCCBL, Bhagalpur was presented before the Branch Manager, Indian Bank, Bhagalpur to open STDRs and during transfer, petitioner No.2 is said to have authorized the credit entry in the account of SMVSSL on the strength of credit voucher. As such petitioners would be held responsible only for negligence in their duty. Further submission is that during the course of investigation, nothing has come about having disproportionate assets by both the petitioners nor any evidence has come showing the conspiracy in transfer of the aforesaid amount into the account of Srijan Mahila Vikas Sahyog Samiti Ltd. (SMVSSL) instead of depositing of said amount in STDRs of Bhagalpur Central Co-operative Bank Ltd. Further submission is that investigation against the petitioners has already been completed by the C.B.I and the Chargesheet has been submitted as such there is no chance of tampering of the evidence by both the petitioners and both petitioners have already been superannuated and they used to reside at West Bengal.

On the other hand, Sri Bipin Kumar Sinha, Advocate appearing on behalf of C.B.I submits that in paragraph No. 16.14 and 16.15 the role as performed by petitioner No.1 has, specifically, detailed in crediting of Rs. Eight Crores of BCCBL in SMVSSL, which was to be deposited in STDRs of BCCBL. Similarly, it has come in paragraph No. 16.12 and 16.13 that petitioner No.2 depositing Rs. Three Crores of the cheque as issued by BCCBL in STDRs credited in Account of SMVSSL.

On perusal of the case diary, it is apparent that both the cheques i.e. Rs. Eight Crores and Rs. Three Crores issued by BCCBL for depositing money of both cheques under STDRs in the name of BCCBL, but amount of both cheques was credited in the account of SMVSSL and both the petitioners were involved in that process of crediting the amount of both cheques in account of SMVSSL as appears from paragraph 16.12, 16.13, 16.14 and 16.15 of the case diary.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioners are directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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