

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19087 of 2020

In
CRIMINAL MISCELLANEOUS No.25922 of 2019
with
CRIMINAL MISCELLANEOUS No.81837 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 Sumbha Deorhi, P.S. Mahe Singhia, District Samastipur, presently residing Mohalla-B-35, Nandan Home, Khajpura, P.S. Hawai Adda, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Vigilance, Patna
3. The State Bank of India, Zonal Office, Patna through the Deputy General Manager (B & O), Disciplinary Authority
4. The Deputy General Manager, (B & O), Disciplinary Authority, State Bank of India, Zonal Office, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Shahi, Advocate
For the State	:	Mr. Ajay Mishra, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-04-2020 Heard through video conferencing.

The present application has been filed for modification of order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019 and order dated 22.1.2020 passed in Cr. Misc. No. 81837 of 2019 as contained in Annexure 1 series to the extent that the petitioner may be further granted further three months time to deposit the undertaken amount of Rupees Twenty Five Lacs before the learned Court below.

The petitioner being accused in Gandhi Maidan P.S. Case No. 515 of 2017 (Special Case No. 349 of 2017)



registered under Sections 467,468,471,409,420 and 120B of the Indian Penal Code and Section 13(1)(c)(d) of the Prevention of Corruption Act, 1988, initially preferred Cr. Misc. No. 23404 of 2018 with a prayer for bail which was rejected by a bench of this Court (now retired) vide order dated 12.7.2018.

The prosecution case, as per the FIR, is that the petitioner being Accountant posted at Main Branch, State Bank of India, Patna, in connivance with other co-accused persons, cleared ten cheques worth Rupees Forty Lacs in favour of different NGOs in spite of the fact that the cheques were not signed by both the joint account holders. It is further alleged that Rupees Ten Lacs were given to the petitioner as commission.

The petitioner renewed his prayer for bail vide Cr. Misc. No. 25922 of 2019. Considering the facts that out of 21 cheques, only 10 cheques were cleared without the signature of both the joint account holders, the undertaking of the petitioner that he was ready to deposit Rupees Twenty Five Lacs before the learned Court below within a period of three months which would be subject to the result of the case, the report of the learned Special Judge, Vigilance I, Patna dated 21.9.2019 to the effect that charge has not been framed, the petitioner has already retired from service and that the petitioner remained in custody for more than two years, this Court vide order dated 16.11.2019 granted bail to the petitioner subject to the condition that the bail bond of the petitioner will be provisionally accepted till the petitioner deposits Rupees Twenty Five Lacs before the learned Court below within a period of three months.

Thereafter, the petitioner preferred Cr. Misc. No. 81837 of 2019 for modification of order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019 to the extent of



extending the period of deposit of the undertaken amount since the petitioner had failed to withdraw the retiral benefits. Accordingly, this Court vide order dated 22.1.2020 modified the said order to the extent of further extending the period of deposit of the undertaken amount for three months for enabling the petitioner to deposit the undertaken amount and to withdraw the retiral benefits.

Learned counsel for the petitioner submits that the petitioner could not deposit the undertaken amount even during the extended period since the bank has still not released the retiral benefits amount. Moreover, he has been further precluded from depositing the amount on account of the precarious condition prevailing due to spread of pandemic COVID-19. Hence, learned counsel prays for further extending the period of deposit of the undertaken amount for three months.

Learned counsel for the Vigilance and learned counsel for the State have no objection in extending the period of deposit of the undertaken amount before the learned Court below.

Accordingly, the order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019 and order dated 22.1.2020 passed in Cr. Misc. No. 81837 of 2019 are modified to the extent that the petitioner is further permitted to deposit the undertaken amount of Rupees Twenty Five Lacs before the learned Court below by 28th July, 2020. It is expected from the learned Court below to extend the period of acceptance of bail bonds provisionally of the petitioner till 28th July, 2020.

This modification application is, accordingly, disposed of.

Let this order be transmitted to learned Special



Judge, Vigilance I, Patna through e-mail.

(Dinesh Kumar Singh, J)

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