IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20901 of 2020

Arising Out of PS. Case No.-18 Year-2017 Thana- C.B.I CASE District- Patna

==

SUB LAXMI PRASAD @ SUBH LAXMI PRASAD Wife of Late Binoda Nand Prasad Resident of Mohalla-Rani Talab Road, Fatehpur, Ang-Vihar Apartment, Block-C Near BCE, P.S-Sabour, District-Bhagalpur.

... ... Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION (C.B.I.), New Delhi

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh, Advocate
For the CBI	:	Mr. Bipin Kumar Sinha, Advocate

==

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

6 11-12-2020 Heard learned counsel for the petitioner and learned APP for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The petitioner is in custody since 28.11.2019 in connection with R.C. Case No. 18/A/2017 giving rise to Special Case No. 3 of 2019 for the alleged offences under Section 34 and 120B read with Sections 409, 419, 420, 467, 468, 471 of the Indian Penal Code as well as Section 13(2) read with Section 13(1)(c) and (d) of the Prevention of Corruption Act, 1988.

3. It is submitted that the petitioner, a lady aged about 77 years, has been falsely implicated and is in custody since 28.11.2019. It is submitted that a case was instituted in RC 8(A)2018 under Section 34 and 120B read with Sections 409,

WEB COPY

419, 420, 467, 468, 471 of the Indian Penal Code as well as Section 13(2) read with Section 13(1)(c) and (d) of the Prevention of Corruption Act, 1988 in connection with transfer of Rs. 1 crore by cheque signed by the petitioner from the account of Srijan Mahila Vikas Sahyog Samiti Ltd. (for short 'SMVSSL') of which she was the Chairperson, into the account of District Welfare Officer, Bhagalpur. It is submitted that the aforesaid case has separately been instituted in that regard and so far as the present case is concerned there is no material against the petitioner. The petitioner claims clean antecedents.

4. Learned counsel for the opposite party-CBI vehemently opposes the prayer for bail, submitting that the instant case connects with the infamous Srijan scam. It is submitted that the transfer of Rs. 1 crore from the account of 'SMVSSL' was not an isolated transaction, rather it is part of criminal conspiracy committed by Smt. Manorma Devi (since deceased), Sri Md. Sarfrajuddin and Sri Atul Raman along with co-accused persons including the petitioner who dishonestly and fraudulently misappropriated the fund of the account of C.S.-cum-CMO, Bhagalpur being maintained in respect of shop rent collection in contravention of banking norms and R.B.I. guidelines. Funds were misappropriated and diverted from Government account and in order to hide the same, some amount used to be transferred to the Government account from the account of 'SMVSSL'. It is submitted that 'SMVSSL' was registered as a Co-operative Society in the year 1996 but was never authorized by the RBI to conduct banking business or financial transactions. The petitioner is implicated in several other cases of serious nature as enumerated in para 3 of the petition.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The bail petition stands

WEB COPY

dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

U		T	

WEB COPY