

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24044 of 2020

In
CRIMINAL MISCELLANEOUS No.19087 of 2020

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, at Presently residing Resident of Mohalla- B-35, Nandan Home, Khajpura, P.S.- Hawaii Adda, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police Vigilance Govt. of Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Shahi, Advocate
		Mr. Alok Kumar @ Alok Kr Shahi, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-09-2020 The Court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioner and learned APP for the State.

Since the court proceeding in physical mode is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of court



proceeding in physical mode. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The present application has been filed for modification of order dated 27.04.2020 passed in Cr. Misc. No. 19087 of 2020 to the extent of extending the period of deposit of the undertaken amount of Rs. Twenty Five Lacs.

Initially the petitioner preferred Cr. Misc. No. 23404 of 2018 with a prayer for bail in a case registered for the offences punishable under Sections 467, 468, 471, 409, 420, 120B of the Indian Penal Code and Section 13(1)(c)(d) of the Prevention of Corruption Act, 1988 which was rejected vide order dated 12.07.2018 by a Co-ordinate bench of this Court (now retired). Thereafter, the petitioner renewed the prayer for bail vide Cr. Misc. No. 25922 of 2019.

The prosecution case 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 Rs. 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 Rs. Ten lacs were given to the petitioner as commission for clearing the said



cheques.

On submission of learned counsel for the petitioner that the petitioner has remained in custody for last two years and out of 21 cheques, 11 cheques were cleared since duly signed by both the joint account holders, moreover, the petitioner is ready to deposit Rs. Twenty Five Lacs, he was granted bail vide order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019 in connection with Gandhi Maidan P.S. Case No. 515 of 2017 and the learned Court below was directed to accept the bail bonds of the petitioner provisionally till the petitioner deposits undertaken amount of Rs. Twenty Five Lacs, which will be subject to the result of the case.

Thereafter, petitioner preferred Cr. Misc. No. 81837 of 2019 for modification of order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019, whereby the petitioner was granted bail provisionally on readiness to deposit Rs. Twenty Five Lacs, to the extent that the petitioner may be permitted to deposit the undertaken amount after withdrawal of his retiral benefits. Consequently, the order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019 was modified to the extent that the petitioner may deposit the undertaken amount within a period three months from the date of order, i.e., 22.01.2020 after withdrawal



of his retiral benefits.

However, again a modification application was filed being Cr. Misc. No. 19087 of 2020 for modifying the order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019 and order dated 22.01.2020 passed in Cr. Misc. No. 81837 of 2019 with a prayer for granting further three months time to deposit the undertaken amount of Rs. Twenty Five Lacs. The said modification application was disposed of modifying the order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019 vide order dated 27.04.2020 passed in Cr. Misc. No. 19087 of 2020 granting time till 28th July, 2020 to deposit the undertaken amount.

The present Cr. Misc. No. 24044 of 2020 has been filed for modifying the order dated 27.04.2020 passed in Cr. Misc. No. 19087 of 2020 for extending the period of deposit of said undertaken amount of Rs. Twenty Five Lacs, out of which Rs. Fifteen lacs in cash and Rs. Ten lacs as bank guarantee or F.D.R. since during present pandemic, COVID-19, the petitioner could not arrange the said amount.

Learned APP appearing for the State submits that the case has been registered and investigated by the State Police and not by the Vigilance. The learned counsel for the State has no



objection in allowing the present modification application.

Considering the exceptional circumstances created by present pandemic, COVID-19, the order dated 27.04.2020 passed in Cr. Misc. No. 19087 of 2020 is modified to the extent that the petitioner is permitted to deposit the undertaken amount of Rs. Twenty Five Lacs, out of which Rs. Fifteen Lacs in cash and Rs. Ten Lacs as F.D.R. or bank guarantee before the Court of learned Special Judge, Vigilance-I, Patna in connection with Special Case No. 349 of 2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017.

It is made clear that no further modification application will be entertained.

Accordingly, the present modification application stands disposed of.

(Dinesh Kumar Singh, J)

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