**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.69637 of 2019**

Arising Out of PS. Case No.-11 Year-2017 Thana- C.B.I CASE District- Patna

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Rakesh Kumar, Son of Jagannath Prasad Singh, Resident of Mohalla- Professor Colony, Ward No. 25, Forbesganj, Police Station- Forbesganj, District- Araria.

... ... Petitioner/s

Versus

The Superintendent Of Police, Central Bureau Of Investigation, Patna Bihar

... ... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Bipin Kumar Sinha, SC (SBI)

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

ORAL ORDER

6 15-06-2020 Heard learned counsel for the petitioner and learned counsel for the CBI through Virtual Court proceeding.

In the present case, the petitioner is seeking bail in connection with Special Case No. 03 of 2018 (RC 11A of 2017), registered for the offence punishable under Sections 34, 120 (B), 409, 420, 467, 468, 471 of the Indian Penal Code read with Sections 13 (2), 13 (1) (c) and 13 (1) (B) of the P.C. Act.

This is one of the biggest scam known as ‘Srijan Ghotala’. The petitioner was posted as Assistant Branch Manager of Indian Bank, Bhagalpur. In the present case, Rs. 12,20,15,075 has illegally been credited in account no.822726685 of Srijan Mahila Vikas Sahyog Samiti Limited by Rakesh Kumar (the present petitioner).

It appears that the cheque in question of Rs.12,20,15,075/- was issued in the name of Manager, Indian Bank, Bhagalpur bearing the signature of District Magistrate, Bhagalpur and the amount has been credited in the account of kingpin of Srijan Scam.

Counsel for the CBI submits that allegedly three persons, namely, Amarendra Kumar Yadav, Ajay Kumar Pandey and the present petitioner Rakesh Kumar were involved in the transaction of money and the same has been credited in the account of third person. When the transaction of huge amount was there, it was the duty of the Manager of the Bank to verify from the customer about the issuance of cheque and crediting the amount to the person whose name is not in the cheque.

*Prima facie*, it appears that wrong has been done with the connivance of the petitioner including all the accused persons.

Counsel for the CBI has drawn the attention of this Court towards second paragraph of page no. 61 of the charge sheet (Annexure-3) where details have been mentioned about the manner the transaction has been done illegally. It will be better to quote second paragraph of page 61 :

***"Investigation further revealed that the amount Rs.12,20,15,075/- which***

***was to be deposited in account No. 6268727981 in the name of District Magistrate, Bhagalpur was diverted and credited in the account No.822726685 which exists in the name of SMVSSL, on the basis of endorsement "Please credit to 822726685 with Indian Bank" on the back side of the said cheque. Just below the endorsement on the back-side of the said cheque, signature of the then DM, Bhagalpur in present. When this cheque was presented to Indian Bank, Patal Babu Road, Bhagalpur, the queue no. for the same was generated by Sh. Rahul Kumar, the then Clerk, Indian Bank, Bhagalpur and verification the amount of the cheque was credited in the account No.822726685 of SMVSSL by Sh. Rakesh Kumar, the then Asstt. Branch Manager, Indian Bank, Sh. Rakesh Kumar violated RBI guidelines on crediting proceeds of an account payee cheque to third party account. He did not even confirm from the DM office whether they have made endorsement on the back side of the said cheque No.929602 of Rs.12,20,15,075/- or not".***

Counsel for the CBI submits that CBI has submitted the charge sheet and also filed all the concerning documents, but because of filing of the discharge petition by the accused persons, the charges are not being framed.

Per contra, Mr. Ramakant Sharma submits that the court below may be directed to frame the charges and start the trial as well as his discharge petition should be disposed of.

Looking to the amount involved in the present case and systematically the money of the State has been swindled, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

However, this Court directs the court below to dispose of the petition, if any, pending without any delay subject to the condition that the petitioner should cooperate in early disposal of the same.

With this observation and direction, this petition is disposed of.

**(Shivaji Pandey, J)**

V.K.Pandey/-

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