IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous Case No. 86875 of 2019

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Binod Kr Mandal @ Binod Kumar @ Vinod Kumar, aged about 33 Years, Gender-Male, S/o Sri Shankar Mandal, Resident of Mohalla-Aliganj, Shailbagh Colony, P.S. Babarganj, District Bhagalpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjeev Ranjan, Adv
For the Respondent/s : Mr. Bipin Kumar Sinha, SC CBI

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The proceeding of the court are being conduct through Video Conferencing and the Advocates joined the proceeding through Video Conferencing from their residence

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

11 15-07-2020 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with **Spl. Case No. 6 of 2017 cum RC 11(A)/2017 arising out of Kotwali (Tilkamanjhi) PS Case No. 494 of 2017 giving rise to CBI/AC-11/New Delhi,** registered for the offence punishable under sections 120B r/w 409, 420, 467, 468 and 471 of the Indian Penal Code as well as Section 13(2) r/w Section 13(1)(c)(d) of Prevention of Corruption Act, 1988.

Earlier the bail of the petitioner was rejected vide order dated 17.09.2018 passed in Criminal Miscellaneous No. 10355 of 2018 with a liberty to the petitioner to renew his prayer for bail if trial is not concluded within a period of one year.

FIR is based upon an enquiry conducted on the direction of District Magistrate (Bhagalpur) in which forgery, financial embezzlement and illegal withdrawal of public money was detected which were committed in collusion by the employees of district administration, banks and NGO namely Srijan and in connivance with each other giving rise to Kotwali (Tilka Manjhi) PS Case No. 494 of 2017 dated 07.08.2017, however, subsequently said case was transferred to CBI which was re-registered as RC11(A)/2017 dated 25.08.2017 under Section 34, 120B, 409, 420, 467, 468 and 471 of IPC against the Branch Manager of Indian Bank and Office Bearers of Srijan Mahila Vikas Samiti Ltd.

It is alleged in respect of account number-6268727981 of Indian Bank, Patal Babu Road, Bhagalpur operated by District Nazarat Branch,one cheque issued by Oriental Bank of Commerce of Rs. 12,20,15,075/- dated 27.09.2014 which was to be deposited in the account maintained by Indian Bank but same was deposited in the account of Srijan Mahila Vikash Sahyog Samiti (SRIJAN). Three cheques of Indian Bank amounting to Rs. 5,50,00,000/- were transferred in the account of Srijan on the basis of forged signature of the Collector. After investigation CBI submitted chargesheet against two accused including the present petitioner.

It is submitted on behalf of petitioner that he is innocent and has been made scapegoat in this case. He had no concern with the alleged fraud. He was engaged by the Branch Manager as remittance carrier on daily wage basis on remuneration of Rs. 150/- per day.

It has been submitted on behalf of counsel for CBI that petitioner had received a Cheque-Book against the account bearing no. 6268727981 of series of cheques bearing no. 656861 to 656880 maintained by the bank. It is further alleged that petitioner is beneficiary and has received two bearer cheques amounting to Rs. 15 Lacs and Rs. 10 Lacs issued by President and Secretary of Srijan Mahila Vikas Sahyog Samiti Ltd. However, same has been denied by the petitioner of having encashed those two cheques.

Petitioner has been made accused in this case only and his trial has been separated as co-accused Md.Taukir Kasim did not appear and charges have already been framed. Prosecution has not brought any material on record showing petitioner to be beneficiary of fraudulent transaction or acquiring any movable or immovable property in his name or in name of any of his family member or has derived any monetary benefit for himself.

Petitioner has no criminal antecedent and he is in custody since 14.08.2017.

Learned counsel for the CBI vehemently opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount in connection with **Spl. Case No. 6 of 2017 cum RC 11(A)/2017 arising out of Kotwali (Tilkamanjhi) PS Case No. 494 of 2017 giving rise to CBI/AC-11/New Delhi,** to the satisfaction of learned court below where the case is pending**,** subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason, the trial court shall have liberty to cancel his bail bonds.

(2) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(3) If the petitioner is found involved in similar nature of offence, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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