IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11751 of 2021

Arising Out of PS. Case No.-19 Year-2017 Thana- C.B.I CASE District- Patna

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Sarita Jha W/O Sri Mithilesh Pathak Resident Of Village - Bharko, P.S.- Amarpur, Dist.- Banka.

... ... Petitioner/s

Versus

The Central Bureau Of Investigation (c.b.i.), New Delhi. Govt. Of India.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate.
For the Opposite Party/s : Mr. Bipin Kumar Sinha, For C.B.I.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

3 21-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with RC 19/A/2017, giving rise to Spl. Case No. 07/19 arising out of Kotwali (Bhagalpur) P.S. Case No. 517 of 2017 registered for the offence punishable under Section 120-B r/w Sections 409, 420, 467, 468, 471 and 477-A of the Indian Penal Code as well as Section 13 (1)(c) and (d) of the Prevention of Corruption Act 1988.

It was submitted that the instant case pertain to criminal misappropriation of funds to the tune of Rs. 13,89,63,512/- from the accused of District Urban Development Agency (DUDA) Bhagalpur by Smt. Manorma Devi of Srijan Mahila Vikas Sahyog Samiti Sabour, Bhagalpur during the year 2016 by entering into a criminal conspiracy to cheat DUDA Bhagalpur by preparing and using forged documents. It was further submitted that direct involvement of accused applicat Sarita Jha is revealed in crediting of Cheque No. 744075 dated 05.03.2013 of amount of Rs. 49,21,000/- and Cheque No. 744074 dated 27.02.2013 of amount of Rs. 93,65,000/- in Srijan A/c No. 10010200009232 and A/c No. 10010100003002 respectively at Bank of Baroda. It is was further submitted that knowledge and complicity of accused applicant Sarita Jha in the criminal misappropriation of govt. account cheques of DUDA is also proved by the 18 cheques bearing signature which were issued for transferrring funds to DUDA account to ensure the scam do not open up due to dishonouring of a govt. cheque. She along with Manorma Devi were the key conspirators for the concealment of fradulent misappropriation of DUDA, Bhagalpur funds by regularly transferring funds from various SMVSSL accounts to DUDA Account.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. Charge sheet has been submitted in the present case. He submits that the petitioner is not named in the F.I.R. and her name has been transpired during the course of investigation. He submits that the petitioner has only discharged her duties as an employee (manager) of SMVSSL and nothing has came on record to show that petitioner was anyhow involved in misappropriation of any public fund. She is lady and implicated in this case only on suspicion. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has twenty cases of similar nature pending against her as has been mentioned in para 3 of this bail application and she is remanded in this case on 16.10.2019 however she is in custody since 12.08.2017.

Learned APP for the State vehemently opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Spl. Case No. 07 of 2019 cum RC 19/A/2017, arising out of Kotwali (Bhagalpur) P.S. Case No. 517/2017 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and

thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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