

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12439 of 2021

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

Banshidhar Jha Son of Janardan Jha Resident of Village - Gariya Tola (Budhai Tola), Bhikhanpur, Bhatha Road, P.S.- Ishakchak, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

Central Bureau of Investigation (CBI), New Delhi. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.

For the CBI : Mr. Bipin Kumar Sinha, S.C for CBI

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 09-09-2021 Heard learned counsel for the petitioner and learned Standing Counsel for the Central Bureau of Investigation ('CBI' in short) through video conferencing.

The petitioner has preferred the instant application for grant of regular bail in a case registered under sections 409, 420, 419, 467, 468, 471, 120B and 34 of the Indian Penal Code.

As per the prosecution case, the instant case is popularly known 'Srijan Scam'. It is stated that as a result of conspiracy between the accused persons, various large amounts belonging to the Government was illegally transferred to the accounts of *Srijan Mahila Vikas Sahyog Samiti*. It is thus submitted that as a result of the fraudulent transfer the funds of the DUDA, Bhagalpur was misused by preparing forged bank vouchers for the year 2014-16.



It is submitted by learned counsel for the petitioner that so far as the petitioner is concerned, he is not named in the F.I.R. He is a private individual who has falsely been implicated in the case during investigation. On an enquiry having been conducted irregularities in the account in the Bank of Baroda were found. On irregularities having been found in course of inquiry, an F.I.R. was instituted and subsequently the matter was referred to the CBI who after the investigation has submitted charge sheet in the case. It is submitted that no incriminating material has transpired against this petitioner who is in custody since 16.10.2019. There is no allegation that the petitioner was a beneficiary in any manner, investigation in the case has concluded and his case stands on a similar footing to that of a number of other accused who have been enlarged on bail.

The prayer for bail is opposed by learned Standing Counsel for the CBI who submits that it has come in the charge sheet that on one Bhimnand Thakur the then Nazir procuring statement of account with respect to the account of DUDA, Bhagalpur for the period 6.9.2016 to 24.10.2016 and from 21.10.2016 to 6.2.2017, and on investigation it transpired that both these statements were forged and had been generated by the petitioner herein. It is submitted that on forensic



examination of the Laptop seized from the petitioner, it was revealed that it contained the forged and manipulated statement of account of DUDA, Bhagalpur which was provided to at the time of audit and the same was found to having been prepared by him. Learned counsel submits that the case of the petitioner is not on the similar footing as the other coaccused because such allegations have not been levelled against them.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the material that has transpired in course of investigation with respect to the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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