IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12423 of 2021

Arising Out of PS. Case No.-14 Year-2018 Thana- C.B.I CASE District- Patna

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SARITA JHA W/o Sri Mithilesh Pathak R/o Chhoti Hat, Brahman Tola, Sabour, P.S.- Sabour, Distt- Bhagalpur. Permanent Address- Village- Bharko, P.S.- Amarpur, Distt- Banka.

... ... Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION (C.B.I.), PATNA

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh, Advocate
For the CBI	:	Mr. Bipin Kumar Sinha, SC for CBI

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 23-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 420, 409, 419, 467, 468, 471, 120B and 34 of the Indian Penal Code and sections 13(2) read with 13(1)(c)(d) of the Prevention of Corruption Act.

As per the prosecution case, the instant case was registered by the Central Bureau of Investigation (‘the CBI’ in short) against the office bearers of the Bank of Baroda as also of Srijan Mahila Vikas Sahyog Samiti Ltd., Sabour, Bhagalpur (‘SMVSSL’ in short) relating to illegal transfer and misuse of funds from Government bank account in Bhagalpur, Bihar, in fraudulent and conspiratorial manner. It was alleged by the BDO that the investigation reveals that out of the eleven accounts payee cheques, proceeds of only two cheques was credited in the account of BDO, Sanhoula while the other amounts were illegally transferred the S.B account of Srijan Mahila Vikas Sahyog Samiti, Sabour, Bhagalpur. The said Sahyog Samiti was registered with the Assistant Registrar, Cooperative Society, Bhagalpur. One Smt. Manorama Devi was Secretary of the Samiti while the petitioner was the Manager. An amount of Rs. 3.50 crores was routed back from the account of Srijan Mahila Vikas Sahyog Samiti to that of BDO, Sanhoula. This was against the illegal proceeds which had been temporarily misappropriated. It is stated that on account of routing back of the amount from the account of Srijan Mahila Vikas Sahyog Samiti to that of the BDO, Sanhoula, the matter could not be discovered on an earlier occasion.

It is submitted by learned counsel for the petitioner that so far as the petitioner is concerned, the allegations are false and concocted. The petitioner has been falsely implicated in the case because of being an employee and the SMVSSL. From bare reading of the FIR it would be evident that the BDO, Sanhoula had opened two accounts, one in the Bank of Baroda at Bhagalpur and another in SMVSSL as there was business relationship between the two. Investigation agency has found that the SMVSSL transferred an amount in excess to the amount provided to BDO, Sanhoula as public found. The allegations of criminal conspiracy and forgery are false and incorrect, the investigation in the case has concluded with submission of chargesheet and the petitioner is in custody since

12.8.2017. There is no chance of the trial/case concluding in the near future.

The application for bail is opposed by learned Standing Counsel appearing for the CBI who submits that not only the petitioner is named in the FIR as also the chargesheet, but there is direct allegation against her and she along with Manorma Devi were working as Manager and Secretary of the Srijan Mahila Vikas Sahyog Samiti Ltd., Sabour, Bhagalpur. They had opened saving bank accounts in several banks and both of them were joint signatories authorized to operate the bank account. As has been found in course of investigation, the amounts were transferred to the account of Srijan Mahila Vikas Sahyog Samiti Ltd. with the intention to embezzle the interest earned on the same. It is submitted that on investigation the case has been found to be true and chargesheet has been submitted on 30.4.2020. There are 21 cases pending against the petitioner.

Having heard learned counsel for the parties and taking into consideration the submissions made together with the investigation in the case having concluded and the petitioner having remained in custody since 2.9.2020, the petitioner is directed to be enlarged on bail in connection with Special Case no. 9 of 2020, RC 14/S/2018 (arising out of Kotwali (Bhagalpur) P.S. Case no. 654 of 2017) on furnishing bail bond of Rs.20,000/ (Rupees twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI II, Patna on the following conditions:

(i) The petitioner shall remain physically present in Court on each date of the case/trial.

(ii) The petitioner shall make available her telephone number to the Superintendent of Police, Anti Corruption Branch, Patna, and shall keep him informed about her whereabouts.

(iii) The petitioner shall cooperate in the trial.

In case of violation of any of the above conditions, the learned trial court will be at liberty to cancel the bail bond of the petitioner and to take her into custody till conclusion of the trial.

(Partha Sarthy, J)

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