

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12094 of 2021

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

RAKESH KUMAR Son of Jagannath Prasad Singh Resident of Mohalla-
Professor Colony, Ward No.25, Forbesganj, P.S.- Forbesganj, Distt- Araria.

... .. Petitioner/s

Versus

The Central Bureau of Investigation (C.B.I.) New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Ranjan, Adv.
For the Opposite Party/s :	Mr. K.N. Singh, A.D.S.G
:	Mr. Bipin Kumar Sinha, S.C. for CBI

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-12-2021 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under sections 420, 467, 468, 471, 409, 120B and 34 of the Indian Penal Code read with sections 13(2), 13(1)(c) and 13(1)(B) of the P.C. Act.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 15.6.2020 (Annexure-1) passed in Cr. Misc. no. 69637 of 2019. The petitioner has remained in custody since 14.3.2019 and inspite of over 1 year 5 months having passed since the earlier order of rejection on 15.6.2020, there is no progress in the trial in the learned Court below and as per the



instructions received, charge is still to be framed.

On merits, it is submitted on behalf of the petitioner that the case arises out of the scam known as *Srijan Ghotala*. The petitioner was posted as Assistant Manager in the Bhagalpur Branch of the Indian Bank. From perusal of the order dated 15.6.2020 wherein the relevant paragraph of the chargesheet has also been quoted, the main allegation against the petitioner is that the petitioner who was the then Assistant Branch Manager in the Indian Bank violated the RBI guidelines crediting proceeds of on an account payee cheque to third party account. It is submitted that as per the allegations, there was an endorsement on the back side of the cheque to the effect “please credit to 822726685 with Indian Bank” and that the petitioner did not even confirm with the D.M. office as to whether they have made endorsement on the back side of the said cheque or not. Learned counsel for the petitioner referring to one of the charge sheet (Annexure 5) filed in the case draws the attention of the Court to the statement made which is to the effect that from the statement of the Branch Manager of the OBC Bank it is clear that Shri Jaidev Singh Branch Manager, OBC, Tilkamanjhi, Bhagalpur, stated in his statement that he had shown the said cheque to Sri Birendra Prasad Yadav (District



Magistrate) and he had seen both sides of the cheque. At this time there was endorsement “please credit to 822726685 with Indian Bank” at the left side of the cheque just above his signature. From the statement of the Branch Manager of the OBC bank it is clear that Sri Birendra Prasad Yadav was having full knowledge that this cheque is to be credited into the account of SMVSSL. It is submitted that in view of the contents in the chargesheet, the main allegation against the petitioner has no merits. He be released on bail.

The application for bail is opposed by learned Standing Counsel appearing for the Central Bureau of Investigation (‘CBI’ in short). Learned Standing Counsel referring to the chargesheet as also the counter affidavit filed on behalf of the CBI submits that the amount of Rs.12.20 crores approx which was to be deposited in the account of the District Magistrate, Bhagalpur was diverted and credited in the account of SMVSSL on the basis of an endorsement on the back side of the cheque. On the said cheque being presented in the Indian Bank, the verification was done by this petitioner who was the then Assistant Branch Manager and he authorized this illegal transaction. He should have confirmed from the office of the District Magistrate before authorizing the same. It is submitted



that trial in the learned Court below has proceeded and the application be rejected.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the parties, the contents of the allegation together with that of the chargesheet submitted and the petitioner having remained in custody since 14.3.2019, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.3 of 2018-cum-RC11(A)/2017 arising out of Kotwali (Tilkamanjhi) P.S. Case no. 494 of 2017 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, CBI, Patna.

As informed, charge is expected to be framed in the case on 10.12.2021. It is directed that the petitioner shall remain physically present in the learned Court below on each date of case and in case of his absence on two consecutive dates for reasons not to the satisfaction of the learned trial Court, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

It is further directed that the petitioner shall be released from custody after submission of his passport or in the



alternative on filing of an affidavit to the effect that he does not
hold a passport.

(Partha Sarthy, J)

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