

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35568 of 2021

Arising Out of PS. Case No.-12 Year-2017 Thana- C.B.I CASE District- Patna

Nabin Kumar Saha Son Of Sri Bhim Narayan Saha R/O Village-
Babhangama, P.S- Barahat, Dist- Banka At Present- Hope Anand, Flat No 205
West Boring Road, Dist- Patna

... .. Petitioner

Versus

Central Bureau Of Investigation New Delhi

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Uday Pratap Singh, Advocate

For the Opposite Party : Mr.Bipin Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-10-2021 Heard learned counsel for the parties.

The petitioner prays for grant of regular bail in
Special Case No. 5 of 2019, arising out of CBI/AC-II/New
Delhi P.S. Case No. RC2172017A0012 of 2017, registered for
the offence under Sections 34, 120(B), 409, 420, 467, 468 and
471 of the Indian Penal Code.

As per the prosecution case, on the basis of written
report of Nazir of District Nazarat Unit, Bhagalpur, Bhagalpur
Kotwali (Tilkamanjhi) P.S. Case No. 499 of 2017 was registered
on 08.08.2017 under Sections 34, 120(B), 409, 420, 467, 468
and 471 of the I.P.C. alleging that on inquiry of Treasure
Account No. 10010100005251 of Bank of Baroda, Ghantaghar,
Bhagalpur Branch, it has come in the light that illegal



withdrawal of amount of Rs. 5,00,00,000.00 has been made through cheque no. 5921 dated 05.10.2009 and Rs. 5,00,00,000.00 has been withdrawn through forged Cheque No. 5923 dated 08.10.2009 and also on the different dates Rs. 6,71,70,000/- were deposited in the said account but by Bank the same has not been shown deposited as such Employee of Bank of Baroda, Bhagalpur has misappropriated the aforesaid amounts by making forgery in the aforesaid Treasury account.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. He further submits that the petitioner was the Branch Manager of the Bank of Baroda at the relevant time but the only duty of the Branch Manager was to the sign the cheque for clearance after thorough verification of other authorized bank staffs. He submits that as per banking rules, it the duty of the Accountant to mention the ledger of account and if any cheque/withdrawn slip is filed, it is the duty of other bank official to check the signature and pass the same after thorough verification. It is further submitted that petitioner has co-operated in the investigation and there is no allegation against him of tampering with the evidence. Chargesheet has already been submitted and custodial interrogation is no more required. Cognizance has already been taken on 17.07.2019.



Petitioner is in custody since 6.9.2019. Similarly situated co-accused have already been allowed bail by this Court vide orders dated 27.05.2020 and 5.7.2021, passed in Cr.Misc. No. 33334 of 2019 and Cr.Misc.No. 2962 of 2021.

Learned counsel for the C.B.I. vehemently opposed the bail petition. He submits that there is sufficient material against the petitioner at paragraphs 16.3.2, 16.3.3 and 16.3.13 regarding his involvement in the illegal transfer of Govt. money into the account of SMVSSL.

Considering the rival submissions of the parties and the materials available on record as well as the fact that chargesheet has already been submitted, similarly situated co-accused have already been granted bail, petitioner is in custody since 6.9.2019, the bail petition of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI – II, Patna in connection with Special Case No. 5 of 2019 cum RC 12/A/2017 arising out of Kotwali Tilkamanjhi Police Station Case No. 499 of 2017 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be



properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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