

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28978 of 2021

Arising Out of PS. Case No.-16 Year-2018 Thana- C.B.I CASE District- Patna

SARITA JHA W/o Sri Mithilesh Pathak R/o Chhoti Hat, Brahman Tola,
Sabour, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR (THROUGH C.B.I.), PATNA. BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bipin Kumar Sinha, SC for CBI

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-12-2021 Heard learned counsel for the petitioner and learned
Standing Counsel for the CBI.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 420, 409 and 120B 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 petitioner who happens to be the then Manager of Srijan Mahila Vikas Sahyog Samiti Ltd., is stated to have defalcated the amount which were to be deposited and credited in the account of the B.D.O., Jagdishpur. It is stated that she dishonestly got prepared and presented under her signature two deposits slips for cheques of the value of Rs. 44.88 lacs and Rs. 37.80 lacs.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case only for the reason that she happens to be an employee of the Srijan Mahila Vikas Sahyog Samiti Ltd.. Large number of cases with similar allegations have been filed against the petitioner and in a number of cases she has been enlarged on bail. The investigation in the instant case is complete and chargesheet has been submitted. The petitioner is in custody in the instant case since 31.1.2020 and she undertakes to cooperate in the trial.

The application for bail is opposed by learned Standing Counsel appearing for the CBI who submits that the petitioner who is the then Manager of Srijan Mahila Vikas Sahyog Samiti Ltd., had played an active role in misappropriation of the amounts of Rs. 44.80 lacs and 37.80 lacs by two cheques which would be evident from the chargesheet which has been brought on record as Annexure 2 to the petition. It is submitted that in case the petitioner is released she would not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration the submissions made, chargesheet having been submitted in the case and the petitioner having remained in custody for 1 year 10 months, the petitioner is directed to be enlarged on bail in connection with Special Case



no. 2 of 2020 cum RC 16/S/2018 (arising out of Kotwali (Bhagalpur) P.S. Case no. 660 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.

(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.

(iv) 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)

Spd/-

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