

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19904 of 2020**

Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

Praveen Kumar, Gender-Male, aged about 48 years, Son of Sri Vishnu Deo Chaudhary Resident of Village - Road no.10, Magadh Colony, Opposite Hind Apartment, P.O. and P.S.- Chandauti, Distt.- Gaya.823001

... .. Petitioner/s

Versus

The Central Bureau of Investigation through its Superintendent of Police, Patna.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.  
Mr. Sandeep Kumar, Adv.  
For the Opposite Party/s : Mr.Bipin Kumar Sinha, Adv.

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

6      02-02-2021                      Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking bail in connection with Special Case No. 4/2018 (R/C-17/A/17) arising out of Bhagalpur Kotwali P.S. (Tikamanjhi) Case No. 513 of 2017 registered for offences under sections 409, 419, 420, 467, 468, 471, 120(B), 34 of the Indian Penal Code which was taken over by CBI and registered under Sections 409, 420, 467, 468, 471, 120(B), 34, 477A of the Indian Penal Code r/w Section 13(2) r/w 13(1) (d) of P.C. Act, 1988 and substantive offences thereof.

It is a Srijan case in which crores of rupees have



been misappropriated by fraudulent transaction in the Bank. The main actor of the entire show was late Manorama Devi as has been stated that she has died but, her son and daughter-in-law are still trace-less, the C.B.I. has failed to trace out and arrest them. They have arrested the bank staffs and Managers.

In the present case, the Bank Manager is in custody in connection with the aforesaid case. The allegation has been made in the charge-sheet that Sri Prabhat Kumar Sinha, the then D.D.C. cum CEO issued a PL Cheque No. A236881 dated 25.3.2013 for Rs. 7,21,83,681/- for issuing Banker's Cheque in favour of the Branch Manager, Indian Bank, Bhagalpur. He also signed a Bank Application for issuing Banker's Cheque. The aforesaid bills, PL cheque and the bank application were forwarded by the DDC cum CEO in the Treasury Office, Bhagalpur for passing of bills. After the bills were passed by the Treasury Office, the PL Cheque and the Bank application were presented at SBI Main Branch, Bhagalpur for issuance of Banker's Cheque. Accordingly, the SBI Main Branch, Bhagalpur issued a Banker's Cheque No. 661106 dated 26.03.2013 for Rs. 7,21,83,681/- in favour of the Branch Manager, Indian Bank, Bhagalpur, which was collected and the entry of the same in the Cashbook by Praveen Kumar, the then



Branch Manager and approved by D.S. Mishra the then Branch Manager by abusing their respective official positions and in violation of the guidelines of the R.B.I. and Indian Bank. Thus, the amount of Rs. 8,79,06,070/- which was to be credited in the account of DC cum CEO at Indian Bank, Bhagalpur was fraudulently diverted to the account of SMVSSL and the same was misappropriated.

Learned counsel for the petitioner has drawn attention of this Court towards the order of this Court dated 27.5.2020 passed in the case of Ram Krishna Jha whereby he has been granted bail recording that he has already superannuated from service and looking to the pandemic, he was granted provisional bail, later on, left to discretion of the court to confirm it.

The petitioner has earlier moved before this Court in Cr. Misc. No. 54029 of 2019 and vide order dated 4.12.2019, the petitioner has withdrawn the application for bail.

Learned counsel for the petitioner has brought to the notice of this Court the order dated 16.9.2020 in Cr. Misc. No. 22914 of 2020 granting bail to the co-accused Subrat Das @ Subrata Das but learned counsel for the CBI submits that the aforesaid order has been obtained without hearing the C.B.I. and



that cannot be a basis to claim parity with the aforesaid case then learned counsel for the petitioner submits that the the CBI was made party but, the copy was not served.

Looking to the involvement of the petitioner in the present case, for the present, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, above named, is rejected.

However, the petitioner will be at liberty to renew his prayer for bail after two years of his judicial custody in the present case.

**(Shivaji Pandey, J)**

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