

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35472 of 2021**

Arising Out of PS. Case No.-554 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Sarita Jha, W/O Sri Mithilesh Pathak, R/O Chhoti Hat, Brahman Tola, Sabour,
P.S.- Sabour, District- Bhagalpur, Permanent Address- Village- Bharko, P.S.-
Amarpur, District- Banka.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

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

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

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 06-12-2021 Heard the learned Advocate for the petitioner and

learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with RC 8(A) of 2018 giving rise to Special Case No.09 of 2019 arising out of Kotwali (Tilkamanjhi) P. S. Case No.554 of 2017, instituted for the offences under Sections 120-B, read with Sections 409, 420, 467, 468 and 471 of the Indian Penal Code and Sections 13(2) read with Section 13(1)(c) and (d) of the Prevention of Corruption Act, 1988.

The learned counsel for the petitioner submits that petitioner prior to SRIJAN scam was a person with clean antecedent, but after the SRIJAN scam surfaced, she came to be implicated in 22 cases, further petitioner is in custody since



12.08.2017, charge-sheet has been submitted and is a lady.

The learned counsel for the petitioner further submits that the petitioner has been falsely implicated in the present case as petitioner is not named in the F.I.R. and her name has transpired during course of investigation as one of the office bearers of the SMVSSL and accordingly, C.B.I. has submitted charge-sheet. It is further submitted that so far the role of the petitioner in the present case is concerned, no allegation of her involvement of defalcation of public fund has been alleged save and except that she had signed some cheques in the capacity of joint signatory and by the same amount has been transferred in the government account and other account. It is further submitted that Paragraph No.16.22 of the charge-sheet assigns the role of the petitioner by mentioning that petitioner is the Manager of SMVSSL and also a joint account operator along with Secretary of SMVSSL, Late Manorama Devi of four accounts of SMVSSL in BOB, Bhagalpur where the unauthorized pay orders/ cheques were deposited under the signature of petitioner.

It is further submitted that by the decision of the District Authorities including the Collector of the District several account of the departments of the government were



opened in the SMVSSL and to facilitate the credit facilities the banking unit of SMVSSL used to collect cheques/ POs and manage its credit in the government account merely in discharge of his banking business. Learned counsel further submits that alleging the same to be misappropriation is completely wrong and in contravention of the banking norms/ laws. The learned counsel for the petitioner further submitted that petitioner is not said to be beneficiaries in the entire occurrence as during the course of investigation, not a single penny has been seized/ recovered either from the account of petitioner or from the possession of the petitioner.

The learned counsel for the petitioner further submits that co-accused have been granted bail by a Bench of this Court and this petitioner was also granted bail by order dated 04.03.2020 in Cr. Misc. No.60402 of 2019 in connection with Special Case No.07 of 2017 arising out of R.C. No.13A of 2017. The learned counsel for the petitioner further submits that out of 22 cases, the petitioner has been granted bail in 16 cases.

Learned Standing Counsel for the C.B.I. does not dispute the position that the petitioner and the co-accused have been granted bail and submits that charges have not been framed due to dilatory tactics being resorted to by different accused



persons. The C.B.I. has also supplied police papers to the accused in April, 2019 and thereafter separate discharge petitions are coming before the Court below one after another as a result whereof the trial is being delayed.

Considering the fact petitioner is in custody since 12.08.2017, charge-sheet has been submitted and is a lady, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-II, Patna in connection with Special Case No.09 of 2019-cum-RC 8/A/2018 arising out of Kotwali (Tilkamanjhi) P. S. Case No.554 of 2017.

The application stands allowed.

(Satyavrat Verma, J)

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