IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35842 of 2021

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

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SARITA JHA W/o Sri Mithilesh Pathak Resident of Village - Chhoti Hat, Brahman Tola, Sabour, P.S.- Sabour, Distt.- Bhagalpur. Permanent Address - Village - Bharko, P.S.- Amarpur, Dist.- Banka.

... ... Petitioner/s

Versus

CENTRAL BUREAU OF INVESTIGATION, New Delhi. Govt. of India.

... ... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bipin Kumar Sinha, Adv. (CBI)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 20-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned counsel appearing for the Central Bureau of Investigation.

The petitioner seeks bail in connection with RC14(A)/2017 giving rise to Special Case No. 12 of 2020 arising out of Kotwali (Tilkamanjhi) P.S. Case No. 505 of 2017 registered for the offence under Sections 120-B read with Sections 409, 420, 467, 468 and 471 of the Indian Penal Code as well as Section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988.

The entire prosecution case relates to a well known

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scam which is known as SRIJAN Scam. An F.I.R. has come into existence to the effect of illegal transfers of amount of Rs., 51,11,24,434/-, Rs. 6,71,50,000/- and Rs. 71,42,34,000/made by the petitioner and her associates and misuse of government funds from the Government Bank Accounts in Bhagalpur.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been made accused in this case with an ulterior motive. As a matter of fact, this petitioner, who is a lady, has not been named in the entire prosecution case. But, during course of investigation, her name has surfaced in this case and after investigation, the C.B.I. has submitted charge-sheet bearing No. 05 of 2020 on 18.03.2020 implicating the petitioner and others alleging that in connivance of other co-accused, the petitioner being the Managar of Srijan Mahila Vikash Sahyog Samiti Ltd. (for short 'SMVSSL'), who is said to be an authorized signatory of jointly operated account with the Secretary of SMVSSL, namley, Late Manorma Devi, has transferred the amount in question to the account of District Magistrate, Bhagalpur from the account of SMVSSL in order to suppress the financial illegalities committed by the Banks.

Learned counsel for the petitioner further submitted that the petitioner being an employee/ subordinate of the SMVSSL has only discharged her duties under the supervision of her higher officials and the Secretary of SMVSSL. Neither she has

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transferred even a single farthing in her account nor she has misappropriated the Government fund in any manner. Merely the petitioner being an authorized signatory of the account in question has put her signature on the cheques after the signature of Secretary, who was having the real discretion of financial transaction. Therefore, the petitioner does not seem to be instrumental in any manner in the alleged occurrence of financial irregularities and the misappropriation of Government funds. Moreover, the co-accused, namely, Ajay Kumar Pandey and Deo Shankar Mishra, having more of less similar allegation, have already been granted bail by different co-ordinate Benches of this Court vide order dated 07.09.2021 and 10.12.2021 passed in Cr. Misc. No. 6093 of 2021 and Cr. Misc. No. 40045 of 2021, respectively. One more co-accused, namely Sant Kumar Sinha has already been granted bail by this Court vide order dated 16.12.2021 passed in Cr. Misc. No. 41898 of 2021. The petitioner is rotting in judicial custody since 19.10.2020.

Learned counsel appearing for the Central Bureau of Investigation has, vehemently, opposed the prayer for bail of the petitioner and submitted that though the petitioner has not been named in the F.I.R., her name has surfaced in the entire episode during course of investigation. The petitioner has also been charge-sheeted in this case vide Charge-sheet No. 05 of 2020 submitted on 18.03.2020 under Sections 120-B read with

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Sections 409, 420, 467, 468, 471 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the P.C. Act, 1988. He further emphasized on the paragraph Nos. 16.3(B), 16.4(B) and 16.6(B) of the charge- sheet in which, according to him, role of the petitioner has been specified in the entire case which is quite sufficient for prosecution of the petitioner in this case. Apart from that, he submits that altogether 21 cases relating to the SRIJAN Scam other than the present one have been registered against the petitioner.

Considering the facts and circumstances of the case and the incarceration of the petitioner, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (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 RC14/(A)/2017 giving rise to Special Case No. 12 of 2020 arising out of Kotwali (Tilkamanghi) P.S. Case No. 505 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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

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for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(4) The petitioner shall surrender her Passport, if she possesses, before the court below at the time of furnishing her bail bonds.

(Rajesh Kumar Verma, J)

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