IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34912 of 2021

Arising Out of PS. Case No.-14 Year-2018 Thana- C.B.I CASE District- Patna

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Navin Kumar Saha @ Nabin Kumar Saha S/O Bhim Narayan Saha Resident of Village Babhangama, P.S.-Barahat, District-Banka, At Present residing at Hope Anand, Flat No.205, West Boring Canal Road, Patna.

... ... Petitioner/s

Versus

The State of Bihar through C.B.I.

... ... Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Pranav Kumar Jha
For the Opposite Party/s : Mr.Bipin Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 04-10-2021 Heard learned counsel for the petitioner and learned counsel for the C.B.I.

The petitioner seeks bail in Special Case No. 09 of 2020, arising out of R.C. Case No. 14/S/2018, instituted under Section 120(B) read with Sections 409, 420 of the Indian Penal Code and Section 13(2) r/w Section 13(1)(c) & (d) of the Prevention of Corruption Act, 1988.

This case is one of the SRIJAN SCAM case.

The prosecution case, as alleged in the F.I.R., is that a government account, bearing no. 10010100009639, in the name of Block Development Officer, Sanhoula, was opened on 03.10.2007 in Bank of Baroda, Bhagalpur Branch for disbursement of fund to the beneficiary of the Indira Awas

Yojna. There was some irregularities in the pass-book of the bank account, as the pass-book was blank and did not reflect any transaction. Accordingly, it is alleged that the officials of the Bank of Baroda in connivance with the officials of Srijan Mahila Vikash Sahyog Samiti Ltd., Sabour, Bhagalpur misused the funds of the above-stated government account in fraudulent and conspiratorial manner.

It is submitted on behalf of petitioner that petitioner is not named in the F.I.R. However, the name of the petitioner has transpired during course of investigation and his name has been reflected in the chargesheet, submitted by C.B.I. In fact, the petitioner was posted as Branch Manager, Bank of Baroda, Bhagalpur for the period from 11.07.2008 to 20.08.2011 and after about six years from his transfer, this instant FIR has been instituted against the bank officials as well as against the petitioner. It is further submitted that as per the Banking Rules, it is the duty of the Accountant to maintain the ledger of account and if any, cheque or withdrawal slip is filed, it is the duty of other person to check the signature and pass the same and after thorough verification by the other staff. The duty of the Branch Manager is to only sign for the clearance of the same. It is further submitted that petitioner is in custody in Srijan case since 14.08.2019 in Special Case No. 04/2018 and he has been remanded in the instant case on 25.08.2020. Chargesheet has already been submitted and custodial interrogation is no more required. It is submitted that some of the similarly situated co-accused persons have already been granted bail by this Court.

Learned counsel for the C.B.I. vehemently opposed the bail petition and submitted that though, petitioner is not named in the FIR, but his name has surfaced during course of investigation and there is sufficient materials oral as well as documentary regarding involvement of the petitioner in the aforesaid scam. Cognizance has already been taken against the accused persons and sanction order for the prosecution has already been granted by the competent authority. Petitioner is accused in as many as 12 cases, as stated in paragraph – 3 of the petition.

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 persons have already been granted bail and period of custody of petitioner, 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. 09 of 2020, arising out of R.C. Case No. 14/S/2018, 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.
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> (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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