

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8435 of 2021

Arising Out of PS. Case No.-5 Year-2018 Thana- C.B.I CASE District- Patna

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Sarita Jha W/O Sri Mithilesh Pathak R/O Chhoti Hat, Brahman Tola, Sabour,
P.S. - Sabour, Dist. - Bhagalpur.

Permanent Address-Villge-Bharko, P.S.-Amarpur, Dist.-Banka

... .. Petitioner/s

Versus

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

... .. 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, S.C. to C.B.I.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 04-08-2021 Heard learned counsel for the petitioner and learned

Standing Counsel for the Central Bureau of Investigation

(‘C.B.I.’ in short) through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with RC 5/A of 2018 giving
rise to Special Case no.1 of 2019 arising out of Banka P.S. Case
no.505 of 2017 registered under sections 420, 409, 467, 468,
471 and 120B of the Indian Penal Code.

As per the prosecution case, the informant-District
Land Acquisition Officer, Banka lodged a written report dated
18.8.2017 stating therein that on inquiry, it had transpired that
there has been illegal and unauthorised transactions of public
fund from the account of District Land Acquisition Officer,



Banka in connivance of and in conspiracy with the employees of Bank of Baroda, SMVSSL and the then District Land Acquisition Officer, Smt. Jaishree Thakur. It has transpired that the Land Acquisition Officer had opened several accounts in different Banks and SMVSSL and had entered into illegal transactions with purpose of temporary embezzlement of fund to earn interest over the same. The total amount involved in the instant case was to the tune of Rs.9.85 crores and it was part of the popularly known Srijan scam.

It is submitted by learned counsel for the petitioner that the allegations as levelled against the petitioner are false and concocted. The petitioner was falsely implicated in the case only for the reason that she happens to be an employee of SMVSSL. So far as the petitioner is concerned, investigation in the case has concluded and cognizance has already been taken on 1.2.2020. Co-accused, Smt. Jaishree Thakur has been enlarged on bail vide order dated 8.9.2020 passed in Cr. Misc. no.21698 of 2020. The petitioner is in custody since 12.8.2017 and undertakes to abide by the condition which may be laid by this Court for her release on bail.

The application for bail is opposed by learned Standing Counsel appearing for the C.B.I. It is submitted on



behalf of the C.B.I. that the D.L.A.O, Banka Smt. Jaishree Thakur dishonestly opened two Bank accounts in Bank of Baroda, Bhagalpur and one account with the Indian Bank, Bhagalpur in the name of D.L.A.O., Banka which was outside the jurisdiction of her office and without obtaining permission of the District Magistrate, Banka. The intention was to divert Government funds received for different projects and to misappropriate these funds in conspiracy with the other accused persons including the petitioner herein. The SMVSSL returned back an amount of Rs.91.10 crores through 10 cheques under the joint signature of the petitioner and one another into the account of D.L.A.O., Banka, the sole purpose being to avoid the dishonour of cheque which was genuinely issued by D.L.A.O., Banka or else the Srijan scam would have been exposed much earlier. It is prayed that the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the submission of chargesheet together with the petitioner having remained in custody since 12.8.2017 i.e. for nearly 4 years and there being no chance of the trial concluding in the near future, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.1 of 2019-cum-RC 5/A of 2018 arising out of Banka P.S. Case



no.505 of 2017 on furnishing bail bond of Rs.20,000/-(Twenty
Thousand) with two sureties of the like amount each to the
satisfaction of the learned Special Judge, C.B.I.-II, Patna.

(Partha Sarthy, J)

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