

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2962 of 2021

Arising Out of PS. Case No.-12 Year-2017 Thana- C.B.I CASE District- Patna

Dilip Kumar Thakur, aged about 55 years, Male, Son of Nawal Kishor Thakur
Resident of Village + P.O. - Korthu, P.S.- Ghanshyampur, District- Darbhanga
... .. **Petitioner**

Versus

The Union of India through Central Bureau of Investigation, New Delhi,
Govt. of India.
... .. **Opposite Party**

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Ganesh Prasad Singh
For the Opposite Party/s : Mr. K. N. Singh (A.D.S.G)
Mr. Bipin Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 05-07-2021 Heard Sri Ramakant Sharma, learned senior counsel
appearing on behalf of petitioner and Sri Bipin Kumar Sinha,
learned counsel for C.B.I. through video conferencing.

The petitioner seeks bail in Special Case No. 5 of
2019, arising out of CBI/AC-II/New Delhi P.S. Case No.
RC2172017A0012 of 2017, registered for the offence under
Sections 34, 120(B), 409, 420, 467, 468 and 471 of the Indian
Penal Code.

Initially, the F.I.R. of Bhagalpur Kotwali
(Tilkamanjhi) P.S. Case No. 499 of 2017 was registered on
08.08.2017 under Sections 34, 120(B), 409, 420, 467, 468 and
471 of the I.P.C. on the basis of written report of one Amarendra
Kumar Yadav, who inter-alia alleged which is in short that on



inquiry of Treasure Account No. 10010100005251 of Bank of Baroda, Ghantaghar, Bhagalpur Branch by a team who alleged that on perusal of statement of account from 23.02.2007 to 07.08.2017, it has come in the light that illegal withdrawal of amount of Rs. 5,00,00,000.00 has been made through cheque no. 5921 dated 05.10.2009 and Rs. 5,00,00,000.00 has been withdrawn through forged Cheque No. 5923 dated 08.10.2009 and also on the different dates Rs. 6,71,70,000/- were deposited in the said account but by Bank the same has not been shown deposited as such Employee of Bank of Baroda, Bhagalpur has misappropriated the aforesaid amounts by making forgery in the aforesaid Treasury account.

It is submitted on behalf of petitioner that petitioner is not named in the F.I.R. and he is not the employee of Baroda, Bhagalpur Ghantaghar Branch, against whom, there is specific case of misappropriation of public money and making forgery in the bank account of District Magistrate, Bhagalpur. This petitioner has served as Branch Manager of Bank of India, Bhagalpur Main Branch from 03.06.2015 to 29.08.2016 and the present F.I.R. has been registered after one year of his transfer i.e. on 25.08.2017 for the alleged defalcation of public money related to account of D.M., Bhagalpur by employees of Bank of



Baroda from 23.02.2007 to 07.08.2017. It is further submitted that the petitioner was working as Branch Manager, Bank of India, Bhagalpur main branch and he had no role to play in clearance of cheque/Draft and also petitioner has no occasion at all to be personal to any customer or any financial transaction and also he has never signed on any of the pay slip/voucher related to the accounts of Srijan Mahila Vikash Sahyog Sammittee Limited (hereinafter referred to as 'Srijan Sammittee'), and as such, no criminal offence is made out against the petitioner. The name of the petitioner has come on the basis of statement of Sri Vishwanath Trivedi, CTO and Smt. Rubi Rani, Staff Officer, which was recorded under Section 164 of Cr.P.C., wherein, they have alleged that on instruction of the petitioner, the alleged Demand Draft, which was deposited in the account of Srijan Sammittee, was passed and cleared by them. It is further submitted that co-accused Ram Krishna Jha, against whom there is identical allegation, has already been granted bail by this Court, vide order dated 27.05.2020 passed in Cr.Misc. No. 33334 of 2019 (Annexure – 8). It is further submitted that petitioner has co-operated in the investigation and there is no allegation against him of tampering with the evidence. Chargesheet has already been submitted and custodial



interrogation is no more required. Cognizance has already been taken on 17.07.2019. Petitioner is in custody since 25.09.2020.

Learned counsel for the C.B.I. vehemently opposed the bail petition and by way of referring to paragraph – 7 of the counter affidavit, submitted that this petitioner was Branch Manager and during his tenure, he has opened the account of Srijan Sammittee in his branch and being head of the branch in Bank of India, Main Branch, Bhagalpur, he pressurized the branch officials/officers to credit the demand drafts favouring D.M., Bhagalpur to the account of Srijan Sammittee. During investigation, statement of two branch officials namely Smt. Ruby Rani and Sri Bishwanath Trivedi was recorded under Section 164 of the Cr.P.C., in which, they disclosed the role of petitioner in the criminal conspiracy of diversion of government funds.

However, 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 has already been granted bail, petitioner is in custody since 25.09.2020 and there is no allegation that petitioner has not cooperated during investigation, 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. 5 of 2019, arising out of CBI/AC-II/New Delhi P.S. Case No. RC2172017A0012 of 2017, 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.

(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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