**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.2560 of 2021**
Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

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Sarita Jha, aged about 52 years, Gender-Female, W/o Sri Mithilesh Pathak R/o Chhoti Hat, Brahman Tola, Sabour, P.S.- Sabour, Distt- Bhagalpur. Permanent Address- Village- Bharko, P.S.- Amarpur, Dist- Banka

... ... Petitioner/s

Versus

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

... ... 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, SC CBI

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**

ORAL ORDER

16 27-09-2021 Heard Mr. Uday Pratap Singh, learned counsel for the petitioner and Mr. Bipin Kumar Sinha, learned Standing Counsel for the C.B.I.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in connection with RC 17/A/2017 giving rise to Spl. Case No. 04/2018 arising out of Kotwali (Tilkamanjhi, Bhagalpur) PS Case No. 513 of 2017, instituted for the offence under Sections 120B, 409,419 420,467,468,471 and 34 of the Indian Penal Code and Sections 13(2) r/w sections 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the F.I.R.

relates to one amongst the many cases lodged regarding siphoning and misappropriation of Government funds through the *M/s Srijan Mahila Vikas Sahyog Samiti Ltd. (for short 'SMVSSL')* commonly known collectively as the Srijan Scam. This petitioner has been implicated in several cases lodged in connection with the same because she happened to be employee (Manager) as well as the joint signatory on the cheques on behalf of the SMVSSL.

First Information Report has been lodged by informant, namely Apoorva Kumar Madhukar, Incharge Additional Chief Executive Officer, District Board, Bhagalpur. As per prosecution case, funds were meant to be deposited in the various accounts for being utilized in certain Government Schemes, including the schemes under the 13th Finance Commission, but were deposited or transferred in other accounts. A big discrepancy has arisen in the amount of funds shown in the cash books to have been deposited in the Government accounts maintained for various schemes, with the statement of accounts obtained from the Bank, where a much lesser amount is actually found to have been deposited. The petitioner is an employee of SMVSSL. In the course of investigation, the petitioner's name has emerged alleging that by virtue of being Manager of SMVSSL she has received cheques through *Nazir* of the DDC office and presented the same for credit in the account of SMVSSL by filling up the pay-in-slip etc. In investigation, she has also been found to be one of the persons responsible for facilitating timely deposit back in the initially intended bank accounts of the Government so as to prevent bouncing of routine cheques drawn by the officials. Her name has transpired in the course of investigation.

The learned counsel submits that she has been made accused in several other cases pertaining to similar allegations. Co-ordinate Benches have allowed her bail having regard to the custody since 12.08.2017 and since investigation was complete in respect of the petitioner. In this case also, the petitioner is stated to be in custody since 12.08.2017. Charge sheet has already been filed. Charges, however, have not been framed. The Special Judge, CBI-II, Patna, has submitted a report regarding the stage of trial, wherein, it is stated that after framing of charge, the trial is likely to be concluded approximately in one year. The counsel further submits that she has allegedly received and deposited some cheques to and from the accounts of SMVSSL in the capacity of an employee (Manager). She has signed cheques also in the capacity of an authorized officer. The same has been done in discharge of her assigned routine duties. She is not a beneficiary and no material has come in the investigation to show that she has unlawfully gained from these transactions. In Criminal Miscellaneous No. 165 of 2021 filed by the petitioner for bail in another similar case lodged in connection with the same *Srijan* Scam, C.B.I. filed a counter affidavit. While granting bail to this petitioner, Co-ordinate Bench of this Court, in Cr. Misc. No. 165 of 2021 has taken note of the stand of the C.B.I. which was as follows:

> *"On the other hand, Mr. Bipin Kumar Sinha, learned Standing Counsel for the C.B.I. submits that the petitioner is one of the accused in the present case. The allegations as noted hereinabove have been placed before this Court with reference to the charge-sheet filed on behalf of the C.B.I. Pursuant to the last order of this Court, an affidavit has been filed on behalf of the C.B.I. in which it is admitted in paragraph '5' that the petitioner has been granted bail in RC.12(A)/2018-Pat.,RC.16(A)/2017-Delhi and has further it is admitted that the role of the petitioner as manager is almost similar in all cases of this branch. Thus, in terms of its affidavit, the role of the petitioner in RC.16(A) of 2017-18 is the same in which she has been granted bail. In paragraph '6' of the affidavit, it is stated that the CBI had not arrested this petitioner during investigation and it was the accused who had requested the learned trial court for her remand in the*

*present case."*

On the other hand, C.B.I. counsel, Mr. Bipin Kumar Sinha submits that in investigation, petitioner's role in misappropriating and siphoning of public money has surfaced. The same is apparent from the charge sheet, copy of which has been filed.

Considering the rivals submissions, the fact that the petitioner has remained in custody since 12.08.2017, granted bail in other similar cases arising out of several FI.R's lodged in connection with the alleged *Srijan* scam, the fact that upon completion of investigation charge sheet has been filed against the petitioner and further custody of the petitioner may not be necessary, this Court would observe that there is no basis for this Court to take a different view from what has been taken in Cr. Misc. No. 60402 of 2019, Cr. Misc. No. 3109 of 2021, Cr. Misc. No. 10295 of 2021, Cr. Misc. No. 4974 of 2021, Cr. Misc. No. 165 of 2021, Cr. Misc. No. 8435 of 2021, Cr. Misc. No. 15640 of 2021, Cr. Misc. No. 12423 of 2021, Cr. Misc. No. 10385 of 2021, Cr. Misc. No. 20907 of 2021, Cr. Misc. No. 24763 of 2021, Cr. Misc. No. 14264 of 2021, wherein, the petitioner has already been allowed bail.

In the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Spl. Judge C.B.I.-II, Patna, in connection with Spl. Case No. 04 of 2018-cum-RC17(A)/2017, arising out of Kotwali (Tilkamanjhi, Bhagalpur) PS Case No. 513 of 2017, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(iii) The petitioner shall not leave the country without permission of the Trial Court.

**(Madhuresh Prasad, J)**

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