

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8319 of 2021

Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

Deo Shankar Mishra S/o Dayanand Mishra Permanent Resident of Ranti, Madhubani, Bihar, presently residing at Bank Colony, Lane No. 08, Gola Road, North of Bailey Road, P.S.- Danapur, Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Central Bureau of Investigation, Patna Bihar
2. The Central Bureau of Investigation, Patna. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Adv.
For the CBI : Mr. Bipin Kumar Sinha, SC for CBI

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 26-08-2021 Heard learned counsel for the petitioner and learned standing counsel for the Central Bureau of Investigation ('CBI' in short) through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 409, 419, 420, 467, 648, 471, 34 and 120B of the Indian Penal Code read with sections 13(2) and 13(1)(d) of the Prevention of Corruption Act.

As per prosecution case, it is stated that in course of investigation of the popularly known 'Srijan scam' it transpired that the bank officials including the petitioner herein who happens to be the Bank Manager of the Indian Bank, Main



Branch at Bhagalpur entered into a criminal conspiracy with Smt. Manorma Devi, Secretary and Smt. Sunita Jha, Manager of SMVSSL (Srijan Mahila Vikas Sahyog Samiti Ltd.) and in pursuance of the said criminal conspiracy they committed fraud in the accounts of the DDC-cum-CEO maintained with the Indian Bank, Main Branch, Bhagalpur as also the Bank of Baroda, Main Branch, Bhagalpur. The amounts were misappropriated by funds transferred from these accounts on the strength of forged documents.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. He has been falsely implicated in the case in course of investigation wherein he has been named along with a number of other bank officials working with him in the Indian Bank, Main Branch, Bhagalpur in the chargesheet. It is submitted that the allegations are general in nature. The petitioner is in custody since 2.8.2019 and investigation in the case has concluded with submission of chargesheet on 17.1.2020. The case of the petitioner stands on a similar footing to that Ajay Kumar Pandey, Subrat Das as also a number of other co-accused who have been enlarged on bail vide different orders which have been brought on record as Annexure-4 series to this petition. The petitioner undertakes to



cooperate in the case/trial.

The application for bail is opposed by learned standing counsel appearing for the CBI. It is submitted that the petitioner herein who was working as Branch Manager of the Indian Bank, Main Branch, Bhagalpur from 24.8.2010 to July, 2013, in furtherance of a criminal conspiracy with his co-conspirators was involved in illegal and irregular transfer of fund to the tune of Rs.8.79 crores (approx) from the bank to the account of SMVSSL. It is submitted that the petitioner being the Branch Manager of the Bank from which the amounts were transferred, his case would not be on a similar footing to that of other co-accused and as such the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody since 2.8.2019, investigation in the case having concluded with submission of chargesheet together with the grant of bail to other similarly situated co-accused, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.4 of 2018 (R.C.17/A/2017) on furnishing bail bond of Rs.25,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge,



CBI-II, Patna.

It is directed that the petitioner shall cooperate in the case/trial in the learned trial Court and in case the learned trial Court is of the opinion that the case/trial is being delayed on account of non-cooperation on part of the petitioner, it may take steps for cancellation of bail bond of the petitioner.

(Partha Sarthy, J)

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