IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6093 of 2021

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

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Ajay Kumar Pandey, aged about 49 years, Gender-Male, Son of Sri Rameshwar Pandey, Resident of Masakchak, Sarat Chand Path, P.S. Adampur, District Bhagalpur. Permanent Address- Resident of Village Meharpur, P.O. Mathurapur, P.S. Pirpainti, District Bhagalpur, presently employed as Clerk in Sabaur Branch of the Indian Bank (Nationalized), District- Bhagalpur.

... ... Petitioner/s

Versus

The Central Bureau of Investigation India

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Senior Advocate
		Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s	:	Mr. Bipin Kumar Sinha, SC, CBI

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

5 07-09-2021 Heard Mr. Rama Kant Sharma, the learned Senior Counsel for the petitioner assisted by Mr. Lakshmi Kant Sharma, Advocate and Mr. Bipin Kumar Sinha, the learned counsel appearing on behalf of Central Bureau of Investigation through virtual court proceedings.

Learned Senior Counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 409, 420, 467, 468, 471, 120B and 34 of the Indian Penal Code as well as under Sections 13(2) read with 13(1)(d) of Prevention of Corruption Act.

The case relates to illegal transfer and misuse of funds from government bank accounts in Bhagalpur and Saharsa in fraudulent and conspiratorial manner. An inquiry pertaining to different accounts of District Nazarat, Bhagalpur maintained with Bank of Baroda, RP Road Ghantaghar, Bhagalpur and Indian bank, Patel Babu Road, Bhagalpur was conducted and the inspecting team has submitted its report. In the said report, the submission contain fraudulent deception, financial irregularities and misappropriation of government funds.

Mr. Rama Kant Sharma, the learned Senior counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the FIR but after investigation, CBI submitted charge-sheet in this case on 25.06.2020 against him along with other co-accused under Sections 120(B), r/w 409, 420, 467, 468 and 471 of the Indian Penal Code as well as under Sections 13(2), r/w 13(1)(d) of the Prevention of Corruption Act, 1988. It is further submitted that petitioner has got clean antecedent but when he was arrested in Bhagalpur Kotwali P.S. Case No.500/2017 (RC 13(A)2017), thereafter several cases were lodged by CBI against him under different sections of the Indian Penal Code as well as under the

Prevention of Corruption Act. Petitioner is an employee of Indian Bank, Sabaur Branch, Bhagalpur. The entire allegation of criminal conspiracy and fraud is false. The allegation levelled in the charge sheet in para 16.6(A) is that Cheque No.797361, dated 30.06.2017 issued by District Magistrate, Bhagalpur in favour of SMVSSL for Rs.2 Crore, Cheque No.797364, dated 23.07.2007 of Rs.50,00,000/-, Cheque No.797365, dated 23.07.2007 of Rs.50,00,000/- along with deposit slip have been presented in the Indian Bank, Bhagalpur for transfer of fund from the account of District Magistrate, Bhagalpur to the account of SMVSSL. The petitioner was the maker only of the said cheques. The cheques of Rs.2 Crore, Rs.50,00,000/- and Rs.50,00,000/-, which were presented before him, were beyond his passing limit of Rs.25,000/- only. Therefore he entered in the system as maker only and it was not his responsibility to verify the signature of the drawer. As Sri Ranjit Kumar Pal was the competent authority to verify the signature of the drawer from the specimen signature available with the passing officer only and accordingly Sri Ranjeet Kumar Pal verified the signature and passed the cheques. It is submitted by learned Senior Counsel for the petitioner that one similarly situated co-accused, Ram Krishna Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 27.08.2021, passed in Cr. Misc. No.13523 of 2021 and petitioner was remanded in the present case on 24.08.2020. It is also submitted by learned Senior Counsel that petitioner is made accused in eight other cases relating to Srijan Scam case and out of eight cases, the petitioner has got bail in four cases.

Mr. Bipin Kumar Sinha, the learned Standing Counsel appearing on behalf of Central Bureau of Investigation opposed the prayer for bail of the petitioner by submitting that though the applicant was not named in the FIR but his role cropped up during investigation. There is sufficient oral and documentary evidence to prove the case of prosecution against the petitioner and on the basis of that evidence charge-sheet was filed against the petitioner. It is further submitted that petitioner is made accused in other eight cases relating to Srijan Scam case.

Having considered the facts aforesaid and after perusal of the records including the counter affidavit filed by the CBI and the facts that the petitioner is in custody since 24.08.2020, similarly situated co-accused has already been granted bail and charge-sheet has been filed on behalf of the prosecution, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below/successor court where the case is pending in connection with Special Case No.12 of 2020 (arising out of RC

14(A)2017, C.B.I./ACB/New Delhi), subject to the conditions:

(1) 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. He will also undertake to inform the court, if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(4) That the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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