

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15640 of 2021**

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

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, District – Banka.
... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh

For the Opposite Party/s : Mr.Bipin Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 06-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in connection with RC 12/A/2017, giving rise to Spl. Case No. 05/2019 arising out of Kotwali (Tilkamanjhi) P.S. Case No. 499/2017, for offences punishable under Sections 120-B r/w 409, 420, 467, 468 & 471 of the Indian Penal Code and Section 13(2) r/w 13(1) (C) & (d) of the Prevention of Corruption Act, 1988.

The F.I.R. is lodged against illegal transaction of funds from Government Bank accounts in Bhagalpur and Saharsa in fraudulent and conspirational manner. The allegation, as mentioned in the F.I.R., is that the signature of the District Magistrate, Bhagalpur was forged on three cheques of Rs. Five Crore each and this amount of Rs. Fifteen Crore were diverted illegally in October, 2009 from the government account of



D.M., Bhagalpur and credited to the account of M/s Srijan Mahila Vikas Sahyog Samiti Ltd., Bhagalpur. It is further alleged that the amount of Rs. 6,71,70,000/- was deposited in the account of D.M.Bhagalpur illegally through transfer from January, 2010 to March, 2017. It is further alleged that the amount of Rs. 8,89,08,695/-, which was sent by Nazarat Shakha, Bhagalpur, to be credited in the bank account of D.M., Bhagalpur through cheques from 31.12.2014 to 30.01.2017, were not credited in the said account and instead of this, the said amount was diverted to the accounts of M/s Srijan Mahila Vikas Sahyog Samiti Ltd., Bhagalpur illegally.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. Name of the petitioner has transpired during course of investigation. So far as petitioner is concerned, she was an employee of M/s Srijan Mahila Vikas Sahyog Samiti Ltd. And was only signatory on cheque and nothing has come on record that petitioner was anyhow involved in misappropriation of government fund. Petitioner is 52 years old lady and has been made accused only on suspicion. In this case, chargesheet has already been submitted and cognizance has been taken. Similarly situated co-accused Pankaj Kumar Jha has been granted bail by the Hon'ble Apex Court, vide Criminal



Appeal No. 484 of 2020 (arising out of Spl.(Cri.) Nos. 1530/2020 and co-accused Md. Sarfrajuddin has been granted bail by a coordinate Bench of this Court, vide order dated 29.06.2021 passed in Cr.Misc. No. 2203 of 2021. Petitioner is in custody since 12.08.2017.

In this case, though, earlier vide order dated 06.07.2021, time was granted to learned counsel for the C.B.I. for seeking instruction and filing counter affidavit, but no such affidavit has been filed.

However, learned counsel for the C.B.I. has vehemently opposed the bail petition and submitted that there is sufficient material against this petitioner that she has signed many cheques for withdrawal/transfer of money from the account of M/s Srijan Mahila Vikas Sahyog Samiti Ltd. and as such, her involvement in the above scam cannot be falsified. The petitioner has played an active role in the criminal conspiracy of misappropriation of govt. funds and therefore, cognizance has already been taken against her.

Considering the aforesaid facts and circumstances as well as the fact that investigation is complete and further custodial interrogation of petitioner is not required and petitioner, who is lady, is in custody since 12.08.2017, 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, C.B.I.-II, Patna in connection with RC 12/A/2017, giving rise to Spl. Case No. 05/2019, arising out of Kotwali (Tilkamanjhi) P.S. Case No. 499/2017, 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 her absence on two consecutive dates without sufficient reason, her 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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