

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4747 of 2022

Arising Out of PS. Case No.-18 Year-2017 Thana- C.B.I CASE District- Patna

Subh Lakshmi Prasad @ Sub Laxmi Prasad @ Subh Laxmi Prasad W/o Late
Binoda Nand Prasad, Resident of Village - Rani Talab Road, Fatehpur, Ang -
Vihar Apartment Block C , Near BCE, P.s.- Sabur, Dsitt.- Bhagalpur.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
For the C.B.I. : Mrs. Nivedita Nirvikar, Sr. Advocate (SC CBI)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 22-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with RC Case No. 18/A/2017 giving rise to Special
Case No. 03 of 2019 arising out of Bhagalpur Kotwali P.S. Case
No. 514 of 2017, registered for the alleged offences under
Sections 120B r/w Section 409 & 420 of the Indian Penal Code
and Sections 13(2), 13(1)(c) & (d) of Prevention of Corruption
Act, 1988.

As per prosecution case, the petitioner being the
Chairman of Srijan Mahila Vikas Sahyog Samiti Limited

(SMVSSL) misappropriated, defalcated and made diversion of funds from the Government Account to the account of SMVSSL. Further allegation against the petitioner is that she, in a criminal conspiracy along with other co-accused persons, issued cheque for an amount of Rs. 1,00,000,00/- (one crore) from the account of SMVSSL to the account of Zila Kalyan, Bhagalpur, on 09.01.2017 vide cheque No. 654000.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is clear from the F.I.R. that the allegation of fraudulent act and misappropriation of funds are specifically against the Bank Officials who had changed the deposit slips filled up by the office clerk of the informant and transferred the said amount in the account of SMVSSL, Bhagalpur. The petitioner has been made accused in this case only on the basis that she was one of the authorized signatories and in that capacity she had signed the cheque for an amount of rupees one crore along with the then Secretary namely Manorama Devi for credit in the account of Zila Kalyan, Bhagalpur. No further allegation of misappropriation and defalcation of public fund has been made against the petitioner. A separate case has been registered as RC 08(A) 2018 for defalcation of fund of Zila Kalyan Bahgalpur, in

which charge-sheet has been submitted. Even in the present case after the investigation charge-sheet has been submitted against the petitioner along with several other co-accused persons. Cognizance has also been taken by the learned trial court. Learned counsel further submits that the petitioner is not stated to be a beneficiary in the whole occurrence as during the course of investigation, no recovery has been made either from the account of the petitioner or from her possession. The co-accused persons, namely Sarita Jha and Atul Raman have been granted bail by the different Co-ordinate Benches vide order dated 24.08.2021 passed in Criminal Misc. No. 20907 of 2021 and order dated 15.06.2021 passed in Criminal Misc. No. 3078 of 2021, respectively. Learned counsel further submits that the petitioner is an old lady of 79 years and is suffering from several ailments. Learned counsel further submits that the petitioner is in custody since 28.11.2019 and there are altogether 36 witnesses in the charge-sheet and the prosecution has filed documents containing about 2000 pages. So, the trial is likely to take a long time.

The learned senior counsel appearing on behalf of C.B.I. opposes the submission made on behalf of petitioner. Learned senior counsel further submits that the petitioner is a

part of the conspiracy in which crores of rupees of Government fund have been defalcated. Even in this case there is specific allegation against the petitioner is that she got deposited and defalcated the amount in the account of Zila Kalyan, Bhagalpur, and there are documents on record to show this fact.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the above named petitioner is directed to 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 Special Judge, C.B.I.-II, Patna, in connection with Special Case No. 03 of 2019-cum-RC 18(A)2018 arising out of Kotwali (Tilkamanjhi) P.S. Case No. 514 of 2017, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates

or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--