IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11689 of 2022

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

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Sujeet Kumar Srivastava @ Sujeet Kumar Shrivastava Son of Late Shambhu Saran Prasad Resident of North of Jangli Mai Asthan, Near Dhobhi Kunha Balu Ghat, P.S.- Nagar Thana, Distgrict- Muzaffarpur.

... ... Petitioner/s

Versus

The Central Bureau Of Investigation through Its Superintendent Of Police, New Delhi

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar
Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Ms. Nivedita Nirvikar
Mr. Arya Achint

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 21-11-2022 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420 and other allied sections of the Indian Penal Code.

This case relates to Srijan Scam.

It is alleged that this petitioner in connivance with Smt. Manoram Devi did not maintain record relating to use of loose cheques by credit department. Out of this cheque book, one cheaque bearing No. 052905 amounting to Rs. 2 Crores was fraudulently used by Smt. Manorama Devi under the forged signature of Sh. Laxmi Prasad Chauhan, the then DDC-cum-

CEO, Zila Parishad, Bhagalpur. This petitioner was custodian of loose cheques being Manager/Credit Incharge of the branch. During course of investigation it has come that fund amounting to Rs. 2 Crores was fraudulently transferred from the account No. 10010100010844 of DDC-cum-CEO, Zila Parishad, Bhagalpur to the account No. 10010100003002 of SMVSSL vide Bank of Baroda cheque No. 052905 dated 11.04. 2009 having forged signature of the then DDC-cum-CEO, Zila Parishad, Bhagalpur. It has also come that petitioner remained Credit Manager, Bank of Baroda Bhagalpur Branch during the period of December, 2007 to October 2009. He had issued one loose cheque book consisting of 50 leaves bearing Nos. 052901 to 052950 for using the same for disbursing advances/loans by the Bank. He was also accused in other case related to Srijan Scam i.e. RC07/18 and RC09/18/ACU-V/CBI, New Delhi. The petitioner did not appear before the learned Special Trial Court despite being issued summons. The trial court has been pleased to issue NBW against the petitioner in this case, but petitioner did not appear before the trial court till date.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. During course of investigation, petitioner has been made accused in this case. Petitioner is neither maker or chequer of bank in question. Petitioner was not custodian of the loose cheque. It is Branch Manager of the bank was custodian of loose cheuqes. Moreover, chargesheet has already been submitted.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge CBI-II, Patna in connection with Special Case No. 14 of 2020, RC No. 17(A)/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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