IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35990 of 2021
Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

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BANSHI DHAR JHA @ VANSHI DHAR JHA @ VANSHI DHAR Son of Sri Janardan Jha R/O Gariya Tola (Budhai Tola), Bhikhanpur, Bhatha Road, P.S.- Ishakchak, District – Bhagalpur ... ... Petitioner/s

Versus

Central Bureau of Investigation (CBI), New Delhi ... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh, Adv
For the C.B.I.	:	Mr.Bipin Kumar Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned counsel for the C.B.I.

The petitioner seeks bail in connection with RC. No. 17/A/17, giving rise to Special Case No. 14 of 2020 arising out of Kotwali (Tilakmanjhi, Bhagalpur) P.S.Case No.513 of 2017 registered for the offences under Sections 120B, 409, 420, 467, 468, 471,477A of the Indian penal Code and Section 13(2) read with Section 13(1)(d) of the P.C.Act, 1988.

The prosecution case, in brief, is that an amount of Rs. 4,85,42,000/- from account N.10010100013447 in March 2014; an amount of Rs.10,92,57,512/- from account No.10010100015640 in April 2015; an amount of

Rs.11,09,27,235/- from account No. 10010100013931 in November 2013; an amount of Rs.5,28,65,268/- from account No. 10010100016181 in January 2017 were fraudulently diverted from the above said accounts of DDC-cum-CEO, Zila Parishad, Bhagalpur in Bank of Baroda to the account of Srijan Mahila Vikas Sahyog Samiti Ltd. It is further alleged that an amount of Rs.16,00,89,751/- has been fraudulently diverted from account No.6115136905 in the name of DDC-cum-CEO, Zila Parishad, Bhagalpur in Indian Bank, in March 2013 to the account of SMVSSL. It is also further alleged that an amount of RS.10,00,00,000/- was fraudulently transferred from the account No. 10010100010844 of DDC-cum-CEO, Zila Parishad, Bhagalpur to the account of SMVSSL, against five cheques of Rs.2 crors each.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR and his name transpires during course of investigation alleging that some statements of Banks have been found in his laptop and on that basis, he has been made accused in the present case. He further submits that the name of the petitioner does not figure in the 1st chargesheet filed by the C.B.I. He further submits that the supplementary chargesheet has been filed on

19.10.2020 against the petitioner and other co-accused persons under Section 120-B r/w Sections 409,420,467,468,471 and 477A of IPC and 13(2) r/w 13(1)(d) of P.C. Act, 1988. In fact petitioner-Bansidhar Jha is the Proprietor of M/s Prerna Graphics used to work for Smt. Manorma Devi, who was main conspirators in the Srijan Scam. He further submits that the main accused of the present scam, popularly known as “Srijan Scam” one of the co-accused, namely, Pankaj Kumar Jha has been granted bail by a Full Bench of Hon’blle Apex Court vide order dated 17.07.2020 passed in Cr. Appeal No.484 of 2020, holding that since investigation is complete, in that sense further custody of the accused appellant may not be necessary. Petitioner is remanded in this case on 13.11.2020 however he is in custody since 12.08.2017.

On the other hand, learned counsel for the C.B.I. submits that the investigation revealed that the petitioner used to work for Smt. Manorma Devi, and petitioner used to make forged statements of accounts and pass books on the direction of Smt. Manorma Devi. He further submits that the statement of account No.10010100013931 of Fourth State Finance Commission and Account No.10010100010844 of Backward

Region Grant Fund, maintained at Bank of Baroda, Bhagalpur Branch in the above mentioned mirror image of Laptop of the petitioner established that the petitioner was involved in the said criminal conspiracy with officials/officers of Bank of Baroda, Bhagalpur; Indian Bank, Bhagalpur; Smt. Manorma Devi and other accused persons. He further submits that it transpires that the allegation against the petitioner that para No. 16.26 of the chargesheet which is submitted against the petitioner and other accused persons. He further submits that the petitioner carries six more cases other than the present one.

Learned counsel for the petitioner submits that co-accused, namely, Ram Kishan Jha has been granted bail vide order dated 27.05.2020 in Cr. Misc. No.33334 of 2019 and another co-accused, namely, Subrat Das @ Subrata Das has been granted bail vide order dated 16.09.2020 in Cr. Misc. No.22914 of 2020 by different Coordinate Benches of this Hon'ble Court.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five 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. No. 17/A/17, giving rise to Special Case No. 14 of 2020 arising out of Kotwali (Tilakmanjhi, Bhagalpur) P.S.Case No.513 of 2017 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/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.

(3)The petitioner shall surrender Indian passport before the learned court below, if he possesses the same.

(4) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of

verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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