

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16851 of 2022**

Arising Out of PS. Case No.-6 Year-2018 Thana- C.B.I CASE District- Patna

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Jasima Khatoon W/O Md. Shakil Ahmad R/o Mohalla- Sahebganj Purana
Tola, P.S.- Vishwavidyalaya, District- Bhagalpur

... .. Petitioner/s

Versus

The C.B.I. Through The Superintendent of Police, C.B.I. New Delhi India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the C.B.I. : Mrs. Nivedita Nirvikar, Sr. Advocate (SC C.B.I.)

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned senior counsel appearing on behalf of

C.B.I.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with C.B.I.
Case No.RC6/A/2018, registered for the offence under Sections
120(B), 420, 465, 468, 471 and 477A of Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.12.2021.



The fact as set out in the F.I.R., alleges that the office bearers including the petitioner herein, created forged record and minutes of the meeting of Shrijan Mahila Vikas Sahyog Samiti Ltd. (hereinafter referred to as 'SMVSSL') and used the same as genuine for opening of the bank accounts, by concealing the facts, from appropriate authority, committing thereby criminal breach of trust, being a public servant and also committed cheating and dishonesty inducing delivery of property.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is an innocent lady and has been falsely implicated in this case. It is further submitted that, during the course of investigation, it is surfaced that Smt Sarita Jha became the authorized signatory of bank after the death of Smt Manorma Devi. Petitioner was the only elected member of SMVSSL, where allegation is limited only to sign in the general meeting register. It is further submitted that nothing surfaced during the course of investigation, which may suggest that petitioner received any fiscal benefit. It is submitted that main accused namely, Sarita Jha has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 51547 of 2021 dated 28.04.2022. It is further



submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tapering with evidence. While concluding the argument, it is submitted that by taking note of all allegations in totality, in the background of legal proposition as laid by Hon'ble Supreme Court, while deciding the matter in ***Nimmagadda Prasad Vs. Central Bureau of Investigation reported in (2013) 7 SCC 466***, this is a fit case to grant bail to the petitioner, where paragraph no. 24 of the judgement, observed as:

“24. While granting bail, the Court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind



that for the purpose of granting bail, the legislature has used the words “reasonable grounds for believing” instead of “the evidence” which means the Court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

A counter affidavit, in the present bail petition was filed by C.B.I. on 07.04.2022, stating thereof, petitioner involved in audit of ten (10) saving and current bank accounts of SMVSSL, suggesting conspiracy.

Learned senior counsel, Mrs. Nivedita Nirvikar appearing on behalf of the C.B.I. opposes the prayer of bail and submitted that the present case is a big scam dealing with the public money. It is submitted that large public money was misappropriated by the petitioner in collusion with other co-accused, but fairly conceded that number of accused persons



have already been granted bail by this Court and also in agreement that co-accused, namely, Sarita Jha, having more serious allegations, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 51547 of 2021 dated 28.04.2022.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner, who is a lady, is very much general and omnibus and that too limited to sign only minute of the meeting being an executive member of SMVSSL, having no role attributed to control the affairs of the Samiti coupled with the fact that chargeheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with C.B.I. Case No.RC6/A/2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Magistrate C.B.I., Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be the close family member of the petitioner.”

(Chandra Shekhar Jha, J)

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