

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27184 of 2021

Arising Out of PS. Case No.-17 Year-2018 Thana- C.B.I CASE District- Patna

PRADYUT KUMAR BISWAS @ P.K. BISWAS @ VISHWAS S/o Shri Kalipada Biswas Retired Assistant Branch Manager, Indian Bank, Shyam Bazar, Kolkata- 700004 Presently residing at Annapurna 14/23, Bose Pukur Road, Flat No.-2A, 2nd Floor, Kolkata, West Bengal- 700042

... .. Petitioner/s

Versus

The Central Bureau of Investigation

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary, Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha, S.C. to C.B.I.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 24-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with Special Case no.10 of 2020 (RC 17/S/18) registered on the basis of Bhagalpur, Sadar, Kotwali P.S. Case no.662 of 2017 under sections 120B, 409 and 420 of the Indian Penal Code and sections 13(2) read with section 13(1)(c) and (d) of the Prevention of Corruption Act.

This case arises out of the Srijan scam. As per the prosecution case, the cheques issued by the D.D.C., Bhagalpur and Director, D.R.D.A., Bhagalpur in favour of Block Development Officer, Kahalgaon, Bhagalpur were illegally credited in the account of Srijan Mahila Vikas Sahyog Samiti



Ltd. (SMVSSL), Sabour as a result of the conspiracy of the accused persons, the Bank officials including the petitioner herein.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No material has transpired in course of investigation to connect him with the alleged crime. Even as per the allegation and the investigation, the evidences in the case are mainly documentary in nature which are already in possession of the prosecution. Chargesheet has been submitted in the case so no useful purpose would be served in keeping the petitioner behind bars. The petitioner is in custody since 16.6.2020 and undertakes to cooperate in the trial as also abide by all the conditions which may be laid by this Court for his release on bail.

The application for bail is opposed by learned Standing Counsel for the Central Bureau of Investigation (C.B.I. in short). Referring to the material that has transpired in course of investigation as also from the contents of the final report submitted in the case, learned counsel submits that the investigation revealed that cheques issued for a sum of Rs.1.61 crores by the D.D.C., Bhagalpur and Director, D.R.D.A., Bhagalpur in favour of the Block Development Officer,



Kahalgaon, Bhagalpur, the pay in slip was filled in the name of SMVSSL and deposited in their accounts. Care was taken that as and when a genuine cheque was issued, the required amount was transferred back to the official accounts and the cheque was honoured so that the scam is not discovered. It is submitted that the petitioner was the maker of the cheque in the Bank and is directly involved.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegation against the petitioner, chargesheet having been submitted in the case and the petitioner having remained in custody for about 1 year 7 months, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.10 of 2020 (RC 17/S/2018) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, C.B.I. II, Patna on the following conditions:

- (i) one of the bailors of the petitioner shall be his close relative.
- (ii) the petitioner shall deposit his passport before the learned trial court or in the alternative will file an affidavit that he does not hold a passport.
- (iii) the petitioner shall cooperate in the trial and in case of the



petitioner’s non-representation on two consecutive dates, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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