**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.40324 of 2021**

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

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RAKESH KUMAR Son of Jagannath Prasad Singh Resident of Professor Colony, Ward No. 25, Forbisganj, District - Araria.

... ... Petitioner/s

Versus

The Central Bureau of Investigation through its Superintendent of Police, Patna. Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr.Sanjeev Ranjan, Adv
For the Opposite Party/s : Mr.Bipin Kumar Sinha, Adv

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**
ORAL ORDER

3 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 Special Case No. 14 of 2020( RC. No. 17/A/17) arising out of Bhagalpur Kotwali (Tilakmanjhi) P.S.Case No.513 of 2017 registered for the offences under Sections 409, 420, 467, 468, 471, 120(B), 34, 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. He further submits that the CBI, after investigation, submitted the chargesheet against 13 accused persons wherein the petitioner was not made accused. Subsequently the CBI submitted supplementary chargesheet wherein the petitioner was made accused. He further submits that according to the chargesheet, the check in question is from the period 2009-17 and the petitioner was working as Assistant Branch Manager, Indian Bank, and arrayed as accused No.A-18 in supplementary chargesheet. He further submits that the allegation against the petitioner is set out in para-16.7 of the supplementary chargesheet. He further submits that there is no allegation against the petitioner of presenting or filing the cheque or filing the pay in slip nor is there any allegation of facilitating the accused in misappropriating the amount of government money. He further submits that likewise no offence under Section 12(2) r/w Section 13(1) (c) (d) can be fastened on the petitioner. He further submits that there is no allegation of tampering with the evidence or threatening the witness. He further 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 and the petitioner is in custody since 27.08.2018.

On the other hand, learned counsel for the C.B.I. submits that the petitioner was posted as Assistant Branch

Manager, Indian Bank, Bhagalpur. He further submits that the petitioner in conspiracy with Smt. Manorma Devi and Smt. Shubh Laxmi Prasad in order to avoid dishonouring of cheques issued by DDC-cum-CEO, Zila Parishad, Bhagalpur and hiding the diversion and misappropriation of Govt. funds, by abusing his official position intentionally verified/checked transaciton in bank system. He further submits that the petitioner carries two more cases other than the present one.

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-II, C.B.I., Patna in connection with Special Case No. 14 of 2020( RC. No. 17/A/17) arising out of Bhagalpur Kotwali (Tilakmanjhi) 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)**

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