IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32642 of 2021

Arising Out of PS. Case No.-16 Year-2017 Thana- C.B.I CASE District- Patna

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SMT. INDU GUPTA W/O ARUN KUMAR Resident of Village - Barapathar Chowk, P.S.- Dehri One Sone, Dist.- Rohtas. Presently residing at Flat no.404, Shyam Apartmernt, Tilkamanjhi, Distt.- Bhagalpur,(Bihar).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate
		Mr.Sanjeev Kumar Singh
For the Opposite Party/ CBI:		Mr. Bipin Kumar Sinha, S.C. C.B.I.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 03-01-2022 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with Special Case No. 08 of 2017 arising out of R.C. 16/A/2017 registered for the offence under Sections 409, 420, 468, 471, 120B of the I.P.C. and Section 13 (1)(c), 13 (1)(d), 13 (2) of the Prevention of Corruption Act, 1988.

As per the allegation the husband of the petitioner was the District Welfare Officer, Bhagalpur, he together with other accused entered into a criminal conspiracy and misappropriated a sum of Rs. 6 crores from the account of District Welfare Officer, Bhagalpur using forged documents. The *cheque* was prepared in favour of the “Zila Kalyan Padadhikari” but the same was credited in the account “Srijan Mahila Vikas Sahyog

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Samiti". It has further been alleged that the husband of the petitioner received pecuniary benefits and deposited a sum of Rs. 1.96 crores and 1.39 crores etc. in the account of his wife (i.e. the petitioner).

Learned senior counsel for the petitioner submits that petitioner has falsely been implicated in this case merely because there is allegation of misappropriation of government fund upon the husband of the petitioner. He further submits that the husband of the petitioner- Arun Kumar has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 6604 of 2021 and a large number of other accused persons have been enlarged on bail in the "Srijan Scam" case. He next submits that investigation of the case has now been completed, the petitioner is in custody since 17th December 2019 and charge sheet has already been submitted.

On the other hand, learned counsel for the C.B.I. vehemently opposes the prayer for bail and submits that amount misappropriated by the husband of the petitioner was deposited in the account of the petitioner and the petitioner played an active role in commission of the crime.

Regard being had to the submissions made by the parties and taking into consideration the materials available on

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record, the fact that husband of the petitioner has already been released on bail along with other accused persons involved in the "Srijan Scam", the petitioner being a lady is in custody since 17/12/2019 and investigation is now complete, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge CBI-II, Patna in connection with Special Case No. 8 of 2017 arising out of R.C. No. 16/A/2017 subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall remain personally present in the learned court below on each date.

(ii) The petitioner will keep the Superintendent of Police, Anti Corruption Branch, CBI, informed about his whereabouts by providing him his current mobile number on which he can be approached / contacted.

(iii) In case of violation of any of the conditions the learned court below shall be at liberty to take steps for cancellation of bail bond

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of the petitioner and to take him in custody till conclusion of the trial.

(Anil Kumar Sinha, J)

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