IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25551 of 2022

Arising Out of PS. Case No.-19 Year-2017 Thana- C.B.I CASE District- Patna

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RANJAN PRASAD SAMAYAR Son of Sri Rajendra Prasad Shamayar Resident of village - Fatehpur, P.S.- Gogri, District - Khagaria.

... ... Petitioner/s

Versus

The Union of India through C.B.I. Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Prabhat Ranjan
For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. advocate, SC CBI

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 17-11-2022 Heard learned counsel for the petitioner and learned Standing Counsel for the Central Bureau of Investigation ('CBI' in short).

The petitioner has preferred the instant application for grant of pre arrest bail in a case registered under sections 409, 420, 419, 467, 468, 471, 477-A/ 120B of the Indian Penal Code and u/s 13(1)(c) & (d) of Prevention of Corruption Act.

The instant case is popularly known 'Srijan Scam'. It is stated that as a result of conspiracy between the accused persons including this petitioner, various large amounts belonging to the Government was illegally transferred to the accounts of Srijan Mahila Vikas Sahyog Samiti (SMVSSL). It is thus stated that as a result of the fraudulent transfer the funds of the DUDA, Bhagalpur was misused by preparing forged bank vouchers for the year 2014-16.

Petitioner was working as Executive Engineer, District Urban Development Agency (DUDA), Bhagalpur from 01.02.2016 to 12.07.2016. It is submitted that petitioner is not named in the FIR and his name has transpired in the case during the course of investigation. So far allegation that that two cheques bearing No. 588953 amounting to Rs. 1,21,08,778/- and cheque No. 588955 amounting to Rs. 2,32,57,806 were revived in the office of DUDA from the office of DM, Bhagalpur to credit the same into the account of DUDA but in pursuance of criminal conspiracy the same were credited in the account of SMVSSL, It is submitted that cheque No. 588953 dated 11.02.2016 issued by the District Magistrate, Bhagalpur for Rs. 1,21,08,778/- of Indian Bank, Bhagalpur in favour of Executive Enginner, DUDA, Bhagalpur against different schemes of Mukhyamanti Nagar Vikas Yojna was deposited in account of Executive Engineer, DUDA, Bhagalpur bearing AC No. 10010100015889 on 17.02.2016 by Rupesh Kumar, cashier-cum- accountant posed in the office of Executive Engineer, DUDA as is evident from deposit slip issued by the Bank of Baroda, Bhagalpur. Similarly, cheque No. 588955 amounting to Rs. 2,32,57,806 of Indian Bank, Bhagalpur in favour of

Executive Engineer, DUDA, Bhagalpur issued by the District Magistrate, Bhagalpur on 18.04.2016 against different schemes Mukhyamanti Nagar Vikas Yojna was deposited in the account of Executive Engineer, DUDA, Bhagalpur bearing AC No. 10010100015889 on 21.04.2016 by Bhim Nandan Thakur, Cashier posed in office of Executive Engineer, DUDA, Bhagalpur. It is next submitted that from the aforesaid facts it is evidently clear that no irregularity has been committed by the petitioner as Executive Engineer, Bhagalpur. Even paragraph 16.9 of the final report dated 25.09.2019 makes it clear that aforesaid cheque No. 588953 was presented on 18.02.2016 by Md. Sarfarazuddin, Joint Manager, Bank of Baroda, Ghanta Ghar, Bhagalpur with the direction of Md. Naiyar Alam, Branch Manager and the amount was credited in the account of SMVSSL. It is submitted that petitioner has fully co-operated during the investigation and there is no allegation of tampering with evidence against him. Charge sheet has already been submitted in the case.

Learned counsel for the CBI opposed the prayer for anticipatory bail and submitted that petitioner has played active role in criminal conspiracy with other co-accused persons for fraudulent misappropriation of funds from accounts of DUDA, Bhagalpur. It is submitted that petitioner conspired with Late Manorma Devi, Secretary SMVSSL, Md. Naiyar Alam, the then Branch Manager, BOB, Bhagalpur, Md. Sarfarazudding, Officer Scale-III, BOB, Bhagalapur, Amrendra Kumar Yadav, Nazir, Nazarat Section, DM office, Bhagalpur, Mr. Atul Raman, Officer, BOB, Bhagalpur and others to misappropriate the Government funds from the account of DUDA, Bhagalpur by using forged documents. It is submitted that two cheques bearing No. 588953 amounting to Rs. 1,21,08,778/- and cheque No. 588955 amounting to Rs. 2,32,57,806 were revived in the office of DUDA from the office of DM, Bhagalpur to credit the same into the account of DUDA but in pursuance of criminal conspiracy the same were credited in the account of SMVSSL. It is further submitted that petitioner falsely accounted the cheques No. 588953 and 588955 as deposited in the passbook of account No. 10010100015889 at BOB of Executive Engineer, DUDA vide entries dated 03.02.2016 & 20.04.2016, that is prior to the dates when the cheques were presented in the bank and being the senior officer petitioner was duty bound to maintain the accounts and keep proper check on the bank accounts of DUDA but due to his involvement in conspiracy he did not do so.

Considering the facts of the case, nature of accusation against the petitioner coupled with the fact that petitioner has fully co-operated during the investigation and there is no allegation of tampering with the evidence against him and charge sheet has already been submitted in the case, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, CBI-II, Patna in connection with special Case 7/2019 arising out of RC case No. 19(A)/ 2017, subject to conditions laid down u/s 438(2) of the Cr. P. C. with the following conditions: -

(I) The Petitioner/accused should not contact the prosecution witnesses or any person acquainted with the facts of accusation against them so as to dissuade them from disclosing the same to the Court or to the police.

(II) The petitioner/accused should cooperate the trail court in expeditious disposal of the trial against them.

(III) The petitioner/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The petitioner/ accused should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the petitioner in the instant case.

(Prabhat Kumar Singh, J)

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