

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36448 of 2021

Arising Out of PS. Case No.-13 Year-2017 Thana- C.B.I CASE District- Patna

RAKESH KUMAR Son of Jagannath Prasad Singh Resident of Village -
Professor Colony, Ward no.25, Forbesganj, P.S.- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION (C. B. I.), NEW DELHI
Govt. of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr. Bipin Kumar Sinha, SC for CBI

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 25-01-2022 Heard learned counsel for the petitioner and learned
Standing Counsel for the Central Bureau of Investigation ('CBI' in
short) through video conferencing.

The petitioner has preferred this application for grant of
regular bail in connection with Special Case no. 2 of 2021 (arising
out of RC Case no. 13(A)/2017) registered for offence under section
120B read with sections 409, 420, 467, 468 and 471 of the Indian
Penal Code and sections 13(2) read with 13(1)(d) of the Prevention
of Corruption Act.

It is submitted by learned counsel for the petitioner that
the instant FIR is one out of the many FIRs connected with the Srijan
scam.

As per the prosecution case, it is stated that by cheque no.
543558 a sum of Rs. 12 crores was to be transferred in the account of



the DLAO in Indian Bank at Bhagalpur. However, the said amount as also several cheques in favour of the DLAO were transferred to accounts of Srijan Mahila Vikas Sahyog Samiti Limited ('SMVSSL' in short) which clearly revealed the conspiracy and involvement of the petitioner who was the then Assistant Branch Manager in the Indian Bank.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The petitioner is not named in the FIR nor in the chargesheet. His name transpired for the first time in the supplementary chargesheet. Referring to clause 16.47 onwards of the supplementary chargesheet, it is submitted that from perusal of the same it is evident that the allegation is against Ajay Kumar Pandey who presented the cheque for depositing the same in the account of SMVSSL and further got an endorsement on the same to the effect that "please pay to Srijan Mahila Vikash Sahyog Samiti Limited". The said Ajay Kumar Pandey has been enlarged on bail vide order dated 14.10.2020 passed in Cr. Misc. no. 83361 of 2019. It is further submitted that from the contents of the final report and the allegation it would be evident that the nature of evidence collected is mainly documentary and the documents on submission of the final report dated 31.12.2020 (Annexure-2) is already in possession of the investigating agency. More than one year having passed since submission of the supplementary chargesheet, no purpose would be served in keeping



the petitioner in custody. The petitioner is in custody since 27.1.2021 and undertakes to cooperate in the trial.

The application for bail is opposed by learned Standing Counsel appearing for the CBI who submits that not only the petitioner is named in the FIR but there is direct allegation against him that working as Assistant Manager in the Indian Bank, he passed several cheques issued in favour of the DLAO to the account of SMVSSL. Learned Standing Counsel has taken the Court through the contents of the supplementary chargesheet to submit that the petitioner has an active role in conspiring with others in facilitating the transfer of the amounts meant for DLAO etc. into the account of the SMVSSL.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the supplementary chargesheet having been submitted on 31.12.2020 and the petitioner having remained in custody for almost one year, the petitioner is directed to be enlarged on bail in connection with Special Case no. 2 of 2021 (arising out of RC Case no. 13(A)/2017) 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, CBI II, Patna on the following conditions:

(i) The petitioner shall deposit his passport with the learned trial court or in the alternative will file an affidavit to the



affect that no passport has been issued to him by the authority concerned.

(ii) The petitioner shall cooperate in the trial and shall remain present or properly represented on each date. In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, 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)

Spd/-

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