IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29385 of 2022

Arising Out of PS. Case No.-18 Year-2018 Thana- C.B.I CASE District- Patna

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HAREKRISHNA ADAK S/o Late Abinash Chandra Adak R/o Village-Matimati, P.O.-New Township Digha, P.S.-Digha, Distt.-Purb Mednipur, West Bengal-711301

... ... Petitioner/s

Versus

CENTRAL BUREAU OF INVESTIGATION PATNA

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Uday Pratap Singh, Adv.
For the Opposite Party/s : Mr.Avanish Kumar Singh, Adv (CBI)
: Mr. Ambar Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and the learned counsel for the Central Bureau of Investigation.

The petitioner seeks bail in a case registered for the offence under Sections 120B, 409 and 420 of the Indian Penal Code as well as Section 13(2) read with Section 13(1) (c) & (d) of the Prevention of Corruption Act 1988.

The entire prosecution case relates to a well known scam which is known as SRIJAN Scam. An F.I.R. has come into existence to the effect that illegal transfers and misuse of government funds from the Government Bank accounts related to Naugachia Block, Bhagalpur in fraudulent and conspiratorial manner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been made accused in this case with an ulterior motive. As a matter of fact, this petitioner, who happens to be the then Assistant Manager of Indian Bank, Bhagalpur, has not been named in the entire prosecution case. But, during course of investigation, his name has surfaced in this case and after investigation, the C.B.I. has submitted charge-sheet bearing No. 28 of 2019 on 31.12.2019 wherein it is alleged that the illegal transactons have been carried out by the petitioenr in conspiracy with the other accused persons, namely, Saria Jha and others.

Learned counsel for the petitioner further submitted that the role of the petitioner is specifically described in paragraph Nos. 16(xi), 16(xiii) and 16 (xv) of the charge-sheet submitted by the CBI. From bare perusal of the aforesaid paragraphs it would manifest that three cheques were sent for clearance by the Indian Bank to be deposited in the account of BDO, Bhagalpur and in response to the request made by the customer of the said cheques, the petitioner being the then Manager of the Bank has only discharged his duties as per the banking guidelines and get the amount transferred in the proposed account as requested by the account holder. Neither he has transferred even a single farthing in his account nor he has misappropriated the Government fund in any manner. The petitioner being the Manager has authorized the cheques to be credited in the desired account. He further submits that the roles of Bank, being a financial institution, and its officials was limited only for the purpose of execution of cheques of the account holder, especially, on their respective requests. Therefore, the petitioner does not seem to be instrumental in any manner in the alleged occurrence of financial irregularities and the misappropriation of Government funds. Moreover, the co-accused, namely, Sarita Jha, who was said to be the main accused, has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.08.2021 passed in Cr. Misc. No. 24763 of 2021. The petitioner is rotting in judicial custody since 02.04.2022.

Learned counsel appearing for the Central Bureau of Investigation has, vehemently, opposed the prayer for bail of the petitioner and submitted that though the petitioner has not been named in the F.I.R., his name has surfaced in the entire episode during course of investigation. The petitioner has also been charge-sheeted in this case vide

Charge-sheet No. 28 of 2019 submitted on 31.12.2019 under Sections 120-B read with Sections 409 and 420 of the Indian Penal Code and Section 13(2) read with Section 13(1)(c)(d) of the P.C. Act, 1988. He further emphasized on the paragraph Nos. 16(xi), 16(xiii) and 16(xv) of the charge-sheet in which, according to him, role of the petitioner has been specified in the entire case which is quite sufficient for prosecution of the petitioner in this case. Apart from that, he submits that altogether 8 cases relating to the SRIJAN Scam other than the present one have been registered against the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with ***RC18/S/2018 giving rise to Special Case No. 06 of 2020 (arising out of Kotwali (Bhagalpur) P.S. Case No. 676 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 canceled 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 submit his passport before the court below, if he possesses.

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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