

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40273 of 2021

Arising Out of PS. Case No.-13 Year-2018 Thana- C.B.I CASE District- Bhagalpur

NAVIN KUMAR SAHA @ NABIN KUMAR SAHA Son of Bhim Narayan Saha Resident of Village- Babhangama, P.S.- Barahat, District- Banka. At present residing at Hope Anand, Flat No.205, West Boring Canal Road, Patna.

... .. Petitioner/s

Versus

The State of Bihar through C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. A.G
For the CBI	:	Mr. Vipin Kumar Sinha, SC

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 120B, 409 and 420 of the Indian Penal Code and sections 13(2) and 13(1) (c) & (d) of the Prevention of Corruption Act.

The instant case arises out of the several FIRs lodged with respect to the Srijan scam. As per the prosecution case, the accused persons entered into a conspiracy along with bank officials including the petitioner herein and illegally credited the amounts in the account of Srijan Mahila Vikas Sahyog Samiti Limited ('SMVSSL' in short).

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only on account of his being the Branch Manager of the Bank of



Baroda for the period from 4.7.2008 to 20.6.2011. The allegations against the petitioner are mainly based on documents which are in custody of the Investigating Agency. Investigation in the case has concluded with submission of the final report, a copy of which has been brought on record to this bail petition. Learned counsel relies on the order of the Hon'ble Apex Court, Annexure 3 to the petition, to submit that bail was granted to the appellant therein on the investigation having been completed. The investigation in the instant case is complete and the petitioner is in custody since 2.9.2020. He undertakes to cooperate in the trial.

The application for bail is opposed by the learned standing counsel appearing for the C.B.I who submits that in course of investigation although four cheques were deposited in the bank account of the B.D.O, Goradih, it transpires that none of the payin slips were available in the records and in fact the accused persons with the active participation of this petitioner had deposited the amounts in the account of SMVSSL. Further, investigation revealed that in pursuance of the said conspiracy the amounts were temporarily embezzled and as and when the amount were required for honoring the valid cheques of the authority concerned, the required amount were transferred back so that the cheque is honoured and the offence is not discovered.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, grant of bail to co-accused Sarita Jha in Cr. Misc. no. 165 of 2021, the petitioner being in custody for more than 1 year 4 months and investigation in the case having been completed with submission of charge sheet, the Court directs the petitioner to be enlarged on bail in connection with Special Case no. 8 of 2020 (arising out of R.C. Case no. 13/S/2018) 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, C.B.I-II, Patna on the condition that the petitioner shall deposit his passport with the learned trial Court or he shall file an affidavit to the effect that no passport has been issued to him by the authority concerned.

It is further directed that the petitioner shall cooperate in the trial and 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)

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