

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42035 of 2021

Arising Out of PS. Case No.-16 Year-2018 Thana- C.B.I CASE District- Patna

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Sant Kumar Sinha, S/O Late Anil Chandra Sinha, R/o Indraprastha Colony,
Lichi Bagan, Ishakchak, P.S. Ishakchak, District - Bhagalpur.

... .. Petitioner/s

Versus

Central Bureau Of Investigation Through Its Superintendent Of Police, Patna
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the CBI : Mr. Avanish Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 07-11-2022 Heard learned counsel for the petitioner and learned
counsel for the CBI.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Special Case No. 02 of 2020 arising out of RC
16(s)/2018 registered for the alleged offences under Sections 34,
120B, 409, 419, 420, 467, 468 and 471 of the Indian Penal Code
and Sections 13(2), 13(1)(c) and 13(1)(d) of the Prevention of
Corruption Act, 1988.

As per prosecution case, the petitioner was the then
Clerk in Bank of Baroda, Main Branch, Bhagalpur during the
period when two cheques were issued for the amount of
Rs.44,88,000- and Rs. 1,16,55,000/- respectively by the DDC,



Bhagalpur in favour of BDO, Jagdishpur. But the same have been defalcated and credited to the account of Srijan Mahila Vikash Sahyog Samiti Limited (SMVSSL). The allegation against the petitioner is that he was the person who acted as a maker in this case and initiated the process.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner has no role in the alleged occurrence and he has been named in this case merely on the basis of conjectures and surmises. The name of the petitioner came up as he was posted as a clerk in Bank of Baroda, Main Branch, Bhagalpur during the relevant period. This petitioner retired on 31.12.2017 after service of 33 years and he had performed to the satisfaction of the employers. After two years of his retirement, the present case has been lodged. No allegation has come on record regarding defalcation of any public fund against this petitioner except that which is mentioned in paragraphs (iii), (viii), (ix) and (xv) of the charge-sheet filed by the CBI in this case. No recovery has been made from the possession of this petitioner and he has been co-operating in the investigation with the prosecuting agency. Learned counsel further submits that the cheque was presented



with the deposit slip signed by Mrs. Sarita Jha and passed by co-accused Nabin Kumar Saha who was Senior Manager and allegation against this petitioner is that he filled the pay slip. But the petitioner was a clerk and he was just following the orders and was not the checker and he did not pass, check and present the cheque. Similarly placed co-accused persons, namely Sarita Jha and Navin Kumar Saha have been granted bail by different co-ordinate Benches of this Court vide orders dated 23.12.2021 passed in Cr. Misc. No. 28978 of 2021 and 14.02.2022 passed in Cr. Misc. No. 51000 of 2021, respectively. Other co-accused Hare Krishana Adak has also been granted bail by this Court vide order dated 04.11.2022 passed in Cr. Misc. No. 39016 of 2022. The learned counsel further submits that the petitioner is in custody since 31.09.2020 and charge-sheet has been submitted in this case and investigation is complete.

Learned counsel appearing on behalf of the CBI vehemently opposes the submission made on behalf of the petitioner. Learned counsel submits that it is due to the act of this petitioner the fund meant for the BDO, Jagdishpur was diverted to the account of SMVSSL and he is the main culprit who conspired with other co-accused persons and diverted the government fund to the account of SMVSSL.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet along with the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge C.B.I.-II, Patna in connection with Special Case No. 02 of 2020 arising out of R.C. Case No. 16/S/2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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