

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42660 of 2021

Arising Out of PS. Case No.-17 Year-2018 Thana- C.B.I CASE District- Patna

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 S.P. , PATNA
PATNA

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bipin Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with Special Case no. 10 of 2020 arising out of R.C Case no. 17/S/2018 registered under sections 34, 120B, 409, 419, 420, 467, 468 and 471 of the Indian Penal Code.

This case arises out of srijan scam. As per the prosecution case as made out from the FIR as also the final report, the cheque for a sum of Rs. 1.26 crores (approx) issued by the DDC, Bhagalpur and Director, DRDA, Bhagalpur in favour of the BDO, Kahalgaon, Bhagalpur was filled up and deposited in the account belonging to Srijan Mahila Vikas Sahyog Samiti Limited ('SMVSSL' in short) and deposited in the main Branch of Bank of Baroda, Bhagalpur. The pay-in-slip was filled-up in the hand writing of Sant Kumar Sinha (petitioner herein) who was then a clerk in the Bank of Boroda,



Main Branch, Bhagalpur. Prem Kumar Sinha was the checker of the cheque. Thus, the cheque drawn in favour of the BDO, Kahalgaon having been deposited in the account of SMVSSL, the accused persons including the petitioner herein clearly entered into a conspiracy to defalcate the aforesaid amount.

It is submitted by learned counsel appearing for the petitioner that the petitioner has been falsely implicated in the case only for the reason that at the relevant time he was a clerk in the Bhagalpur Branch of Bank of Baroda. He retired from service in the year 2015. He submits that charge sheet has been submitted in the case with final report dated 30.4.2020 having been brought on record as Annexure-2 to this petition. The allegations against the petitioner are mainly based on documents which are in custody of the investigating agency. The checker of the cheque namely, Navin Kumar Sinha has been enlarged on bail vide order dated 3.2.2022 passed in Cr. Misc. no.49856 of 2021. The investigation in the instant case is complete and the petitioner is in custody since 19.10.2020.

The application for bail is opposed by learned Standing Counsel appearing for the C.B.I who submits that from the final report it is clearly evident that cheques drawn in favour of BDO, Kahalgaon, with the active conspiracy of the accused persons including the petitioner herein were deposited in the account of SMVSSL. In the instant case, it has transpired that it was the petitioner who had written on the back of the cheque "credit in Account no. 10010100003002" in his hand writing. It is submitted that once the petitioner is enlarged on bail, he will not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration the facts of the case, together with the



material that has transpired in course of investigation, the petitioner having remained in custody for more than 1 year 3 months, investigation in the case having concluded and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Special Case no. 10 of 2020 arising out of R.C no. 17/s/2018 on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI-II, Patna subject to the following conditions :

(i) One of the bailors shall be a close relative of the petitioner.

(ii) The other bailor of the petitioner shall be resident of a place within the jurisdiction of the learned trial Court.

In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation 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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