IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32267 of 2022

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

==

Subh Lakshmi Prasad @ Shubhlaxmi Prasad W/o Late Binoda Nand Prasad Resident of Mohalla- Rani Talab Road, Fatehpur, Ang- Vihar Apartment, Block C Near BCE, P.S. Sabour, District- Bhagalpur.

... ... Petitioner/s

Versus

The Central Bureau Of Investigation (C.B.I.), New Delhi Bihar

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh, Advocate
For the Opposite Party/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
	:	Ms. Nirmala Singh, Advocate

==

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

C.A.V. ORDER

5 27-09-2022 Heard Mr. Uday Pratap Singh, learned counsel appearing for the petitioner and Mrs. Nivedita Nirvikar, learned Sr. counsel appearing on behalf of the C.B.I.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Section 120-B, 409, 420, 467, 468 and 471 of the Indian Penal Code and Section 13(2) r/w 13(1)(c) & (d) of the Prevention of Corruption Act, 1988.

According to prosecution case, in the instant F.I.R. arising out of Srijan Scam in brief is that the petitioner who took charge as the District Land Acquisition Officer (in short

DLAO), Bhagalpur transferred huge amounts in the account of Srijan Mahila Vikas Sahyog Samiti Ltd (in short SMVSSL). This was done without any public interest and merely to put government fund at the disposal of Smt. Manorma Devi of SMVSSL.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation of the present case at the time of filing of the first charge sheet but the investigating agency has not found any material against the petitioner in the first part of investigation so that the present petitioner was not charge sheeted in the first charge sheet which was filed by the C.B.I. but in supplementary charge sheet which was filed on 13.12.2020 by the C.B.I. after more than three years of submission of first charge sheet against 16 accused persons including the petitioner. He further submits that so far as role of the petitioner in the present case is concerned, no any kind of allegation of her involvement in the defalcation of public fund has been alleged save and except that she had signed of over some cheques issued in favour of the DLAO in the capacity of joint signatory of the bank account of SMVSSL. He further submits that some bank accounts of SMVSSL open in the Indian Bank, Bhagalpur and Bank of Baroda, Bhagalpur Branch where the photograph and signature of the petitioner was submitted. He further submits that except the aforesaid facts, no other material has come during investigation and the co-accused persons namely Smt. Sarita Jha, Ajay Kumar Pandey, Rakesh Kumar Jha, Barun Kumar, Rajeev Ranjan Singh @ Rajiv Ranjan Sinha, Md. Sarfrazuddin @ Md. Sarfrajuddin, Rakesh Kumar, Jayshree Thakur, Deo Shankar Mishra, Sant Kumar Sinha have been granted bail by different Co-ordinate Benches of this Hon'ble Court and the petitioner is in custody since 28.11.2019 and remanded in the present case on 27.01.2021.

The learned counsel for the C.B.I. on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that in the present case the C.B.I. has filed charge sheet dated 06.11.2017 and a supplementary charge sheet dated 31.12.2020 against 22 accused persons including the petitioner. He further submits that the accused stood the petitioner the then President of SMVSSL, Sabour, Bhagalpur is not only charge sheeted in the instant case but her involvement has also been found in other 10 cases of the Srijan Scam and the petitioner has played key role in the criminal conspiracy of diversion and misappropriation of the Government funds. He further submits that the role of the petitioner has emerged during the investigation of the present case and she has actively played a role in the criminal conspiracy for diversion of government funds from the accounts of DLAO to the account of the SMVSSL under Sections 120(B), 409, 467, 468 and 471 of the Indian Penal Code and Sections 13(2) r/w 13(1)(c) & (d) of the Prevention of Corruption Act, 1988.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Spl. Case No. 2/2021/ Cum RC 13(A)/2017 arising our of Kotwali (Bhagalpur) P.S. Case No. 500 of 2017, subject to the following conditions:-

1. If the petitioner possess Indian Passport, the same will surrender at the time of furnishing bail bond.

2. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

3. 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.

4. 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)

vanisha/-

U		T	