

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46331 of 2021

Arising Out of PS. Case No.-7 Year-2018 Thana- C.B.I CASE District- Patna

SANT KUMAR SINHA S/o LATE ANIL CHANDRA SINHA R/o-
INDRAPRASTHA COLONY, LICHBI BAGAN, ISHAKCHAK, P.S
ISHAKCHAK, DISTRICT-BHAGALPUR

... .. Petitioner/s

Versus

CENTRAL BUREAU OF INVESTIGATION THROUGH ITS
SUPERINTENDENT OF POLICE, PATNA. PATNA

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bipin Kumar Sinha, SC for CBI

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-03-2022 Heard learned counsel for the petitioner and learned

Standing Counsel for the Central Bureau of Investigation (“the
C.B.I.” in short).

The petitioner has preferred this application for grant
of regular bail in connection with Special Case no. 4 of 2020
(arising out of RC 7/A/2018) registered under sections 34,
120B, 409, 419, 420, 467, 468 and 471 of the Indian Penal
Code and wherein chargesheet has been submitted under
sections 120B, 409, 420, 467, 468 and 471 and sections 13(2),
13(1)(c) & 13(1)(d) of the Prevention of Corruption Act, 1988.

The instant application arises from one of the FIR
registered under the Srijan Scam. The allegations against the
petitioner being that the Bank officials including the petitioner



who happened to be the clerk in the Main Branch of the Bank of Baroda at Bhagalpur was actively involved in filling up of cheques, pay-in-slips and deposit of large amount of money meant for the account of government officials / authorities 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 for the reason that he happened to be working as clerk in the Bank of Baroda, Main Branch at Bhagalpur at the relevant period. The allegation against the petitioner is that he was involved in filling up of the cheques, pay-in-slips and depositing of the amount are all false and concocted. Initially the petitioner was not named in the FIR and his name transpired in course of investigation. Even accepting the allegations levelled against the petitioner to be true for the sake of argument, it is submitted that the material which has transpired is mainly documentary in nature and with submission of chargesheet on 23.1.2022 the same is already in possession of the investigating agency. The petitioner undertakes to cooperate in the trial and to abide by all the conditions which will be laid by this Court for his release on bail.



The application for bail is opposed by learned Standing Counsel appearing for the CBI. Learned Standing Counsel submits that a counter affidavit has been filed on behalf of the CBI stating therein that investigation revealed that large amounts of money running into crores, details of which have been given in the counter affidavit and the demand drafts etc. which were issued in the name of the DDC, the petitioner acted as a maker for crediting the same in the account of SMVSSL. The official position was abused by the petitioner and as many as 28 entries on different dates with total transactions to the tune of Rs. 12.25 crores in the account of the DDC from the account of SMVSSL has taken place on different dates to hide the conspiracy. Further the petitioner acting as a maker was involved in defalcation of a sum of Rs. 11.04 crores (approx) through four demand drafts. It is further submitted that once the petitioner is enlarged on bail, he will not cooperate in the case and the trial will not be permitted to conclude in the near future.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner being in custody since 23.1.2020 and chargesheet having been submitted in the case, the evidence being primarily



documentary in nature, the petitioner is directed to be enlarged on bail in connection with Special Case no. 4 of 2020 (arising out of RC 7/A/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 on the following conditions:

(i) The petitioner shall deposit his passport in the learned court below or in the alternative will file an affidavit to the effect that he is not holder of a passport.

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

(iii) The petitioner shall be properly represented on each date in the learned trial court and shall cooperate in the trial.

In case of violation of any of the conditions laid by this Court, the learned trial court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

