

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44001 of 2021

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

JAYSHREE THAKUR W/O Rajesh Kumar Chaudhary Resident of Flat No.
404 Sundram Apartment, Tilkamanjhi, P.S. - Barari, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar through the CBI Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Subodh Kumar Jha,
Pranav Kumar Jha, Advocates

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioner and learned
Standing Counsel for the Central Bureau of Investigation ('CBI' in
short) through video conferencing.

The petitioner has preferred this application for grant of
regular bail in connection with Special Case no. 2 of 2021 (arising
out of RC 13(A)/2017) registered for offence under section 120B,
409, 420, 467, 468 and 471 of the Indian Penal Code and sections
13(2) read with 13(1)(d) of the Prevention of Corruption Act.

The prosecution case in the instant FIR arising out of the
Srijan scam in brief is that the petitioner who took charge as the
District Land Acquisition Officer ('DLAO' in short), Bhagalpur
transferred huge amounts in the account of Srijan Mahila Vikas
Sahyog Samiti Limited ('SMVSSL' in short). This was done without
any public interest and merely to put government fund at the
disposal of Smt. Manorama Devi of SMVSSL.



It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR nor in the first chargesheet. The name of the petitioner transpired in the second chargesheet dated 31.12.2020. She has been falsely implicated in the case only for the reasons that she happens to be the Incharge DLAO, Bhagalpur. Her case stands on a better footing than a number of co-accused who have been enlarged on bail. The evidence is primarily documentary in nature and the investigation is complete with submission of the second chargesheet on 31.12.2020. It is submitted that the petitioner is an old lady aged about 63 years suffering from various ailments. Learned counsel further relies on the order of the Hon'ble Supreme Court dated 17.7.2020 passed in Cr. Appeal No. 484 of 2020 (Pankaj Kumar Jha vs. State of Bihar) wherein the Hon'ble Apex Court was pleased to grant bail to the appellant therein taking note of the fact that the investigation was complete. The petitioner is in custody since 30.1.2021.

The application for bail is opposed by learned Standing Counsel appearing for the CBI. Learned Standing Counsel submits that the petitioner was the Incharge DLAO, Bhagalpur and she transferred huge amounts from the government accounts to the account maintained with the SMVSSL. It is submitted that once she is enlarged on bail she would not cooperate in the trial and will not permit the same to conclude.

Having heard learned counsel for the parties and taking



into consideration the facts and circumstances of the case, the investigation in the case having been completed with the submission of the second chargesheet on 31.12.2020 and the petitioner having remained in custody for more than 11 months, the petitioner is directed to be enlarged on bail in connection with Special Case no. 2 of 2021 (arising out of RC 13(A)/2017) 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, CBI II, Patna on the following conditions:

(i) The petitioner shall deposit her passport with the learned trial court or in the alternative will file an affidavit to the effect that no passport has been issued to her by the authority concerned.

(ii) The petitioner shall remain physically present in court on each date of the case/trial and shall cooperate in the trial. In case the petitioner is absent on any date for reasons not to the satisfaction of the learned trial court or is not cooperating in the trial, the learned trial court may cancel the bail bond of the petitioner and take her into custody till conclusion of the trial.

(Partha Sarthy, J)

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