

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44098 of 2021

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

DEO SHANKAR MISHRA S/o Late Dayanand Mishra Resident of Village - Ranti, P.O. Ranti, P.S. - Rajnagar, District - Madhubani, at present Bank Colony, Lane No. 8, Gola Road (North of Bailey Road), P.S. - Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar through the CBI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Adv.

Mr. Pranav Kumar Jha, Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha, S.C. to C.B.I.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-01-2022 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.2 of 2021 (arising out of RC 13(A) of 2017) registered under sections 409, 420, 467, 468, 471, 120B and 34 of the Indian Penal Code and sections 13(2) read with section 13(1)(d) of the Prevention of Corruption Act.

This case arises out of Srijan scam. As per the prosecution case, the petitioner who was posted as a Branch Manager of the Indian Bank at Bhagalpur for the period from 28.4.2010 to 10.7.2013, is stated to have cleared various cheques under his signature, on a number of occasions filled up



deposit slips and got the same credited against Srijan Mahila Vikas Sahyog Samiti Limited ('SMVSSL' in short). It is further stated that he also booked a flat in Emerald Tower-II developed by the builders of Ghaziabad, U.P. in the name of his wife and a rent agreement was also entered into.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case only for the reason that he was posted as a Branch Manager for the period from 28.4.2010 to 10.7.2013. He is not named in the F.I.R. His name transpired in the second chargesheet. He denies the allegations levelled in the chargesheet and categorically denies about himself or his wife having any connection with flat no.502 in Emerald Tower II, Gardenia Glamour II developed by M/S. Gardenia India Ltd, Vasundhara, Ghaziabad, U.P. Learned counsel submits that besides the categorical averment in paragraph no.15 of the petition, it is stated that the petitioner is in no way involved with the alleged flat. He categorically states that neither he nor his wife is involved and has no concern with the flat in question. With respect to the other material, it is submitted that the evidence is primarily documentary in nature and with submission of chargesheet, they are all in possession of the



Investigating Agency. The petitioner is in custody since 27.1.2021 and relies on the order of the Hon'ble Supreme Court dated 17.7.2020 (Annexure-3) passed in Cr. Appeal no.484 of 2020 (Pankaj Kumar Jha vs. The State of Bihar) to submit that the investigation having been completed, no purpose would be served in keeping him in custody. He undertakes to cooperate in the trial and to abide by all the conditions which may be laid by this Court for his release on bail.

The application for bail is opposed by learned Standing Counsel for the Central Bureau of Investigation who submits that the specific allegation is against this petitioner. While posted as a Branch Manager in the Indian Bank, there are so many instances where the petitioner put his signature on the deposit slips facilitating the deposit of the amount running into crores in the account of SMVSSL. It is further submitted that with respect to the above mentioned flat, it has transpired in course of investigation that there is also a rent agreement with respect to the same wherein the wife of the petitioner is a party. It is submitted that once the petitioner is released, he will tamper with the evidence and will not permit the trial to proceed.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, the investigation in the case having concluded and the petitioner having remained in custody for 1 year, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.2 of 2021 (arising out of RC 13(A) of 2017) 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, C.B.I. II, Patna on the following conditions:

(i) the petitioner shall deposit his passport with the learned trial court or in the alternative file an affidavit to the effect that he does not hold a passport.

(ii) the petitioner shall fully cooperate in the trial and shall remain physically present in Court on each date.

(iii) both the bailors of the petitioner shall be close relatives of the petitioner.

In case of violation of any of the conditions, as stated above, 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)

Saurabh/-

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

