IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46947 of 2021
Arising Out of PS. Case No.-14 Year-2018 Thana- C.B.I CASE District- Patna

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Sant Kumar Sinha (M), aged about 66 years, S/o Late Anil Chandra Sinha R/o Indraprastha Colony, Lichi Bagan, Ishakchak, P.S.- Ishakchak, District-Bhagalpur.

... ... Petitioner

Versus

Central Bereau of Investigation through its Superintendent of Police, Patna

... ... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Singh, Adv.
For the C.B.I.	:	Mr. Bipin Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 10-03-2022 Heard learned counsel for the petitioner and learned counsel for the Central Bureau of Investigation.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Special Case No. 9 of 2020 arising out of R/C Case No. 14/S/2018 instituted for the offence punishable under Sections 34/120B/409/419/420/467/468/471 of the Indian Penal Code and charge sheet was submitted under Sections 120B/409/420 of the Indian Penal Code and Sections 13(2)/13(1)(c) and (d) of the Prevention of Corruption Act, 1988.

A Government account bearing No.10010100009639 in the name of Block Development Officer, Sanhoula was opened on 03-10-2007 in the Bank of Baroda Branch, Bhagalpur, for disbursement of fund to the beneficiaries under the '*Indira Awas Yojana'.* The officials of the Bank, in connivance with the officials of one '*Srijan Mahila Vikash Sahyog Samiti Ltd.', Sabour, Bhagalpur, (*'SMVSSL' for short) has allegedly misappropriated / misused the funds of the government account by entering into a conspiracy. The instant petitioner's name has surfaced during course of investigation and he has been made an accused since he was the special Assistant of the Bank of Baroda at the relevant time.

Learned counsel for the petitioner submits that merely on suspicion, the petitioner has been implicated with general and omnibus allegations of having entered into criminal conspiracy along with the office bearers of the SMVSSL, local administrative officials and the Bank officials including Manager of the petitioner's Bank, namely, Navin Kumar Saha @ Nabin Kumar Saha. The submission is that the high value transaction were scrutinized by the Bank Manager, namely, Navin Kumar Saha @ Nabin Kumar Saha, and he has been allowed bail, in the instant case, under order dated 04-10-2021 passed in Cr. Misc. No. 34912 of 2021. The petitioner, being a lower official in the Bank was, at best, one of the various persons in the processing of transactions, and as such, his name has surfaced in the course of investigation. The petitioner was not holding any responsible position to facilitate misappropriation of funds as alleged by the prosecution. Under similar circumstances, the petitioner has been made accused in altogether 17 cases, all of which together constitute the offence which, in common parlance, is known as *Srijan Scam*. Out of 17 cases, he has been allowed bail in 13 and in the instant case, he has remained in custody since 25-08-2020.

The learned counsel for the C.B.I. on the other hand, has drawn the attention of the Court towards the Charge-sheet, specifically paragraphs 21, 22, 23 and 25 thereof. He submits that the petitioner's role is specifically mentioned in these paragraphs. By making such submission, he has opposed the prayer for bail.

The Court has gone through the material (Charge-sheet). It is apparent that the petitioner's case, if not better, is at least at par with the allegations made against co-accused Navin Kumar Saha @ Nabin Kumar Saha, who has already been allowed bail in Cr. Misc. No. 34912 of 2021 though being the Branch-Manager he was holding a responsible position. Cognizance has already been taken and sanction has already been granted for prosecution against the accused persons by the competent Authority. Having regard to the period of custody and the fact that there is no allegation of misuse of bail granted to the peittoner in the earlier 13 cases, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge CBI-II, Patna, in connection with Special Case No. 9 of 2020, arising out of R.C. Case No. 14/S/18, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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