

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39016 of 2022

Arising Out of PS. Case No.-16 Year-2018 Thana- C.B.I CASE District- Patna

Hare Krishna Adak, S/o Late Abinash Chandra Adak, R/o village- Jatimati,
P.O.- New Township Digha, P.S.- Digha, Distt.- Purb Medinipur, West
Bengal- 711301

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Advocate

For the Opposite party : Mr. Avanish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
counsel for the CBI through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with RC 16(s)/2018 giving rise to Special Case No.
02 of 2020 registered for the alleged offences under Sections
409 and 420 of the Indian Penal Code and Sections 13(2), 13(1)
(c) and 13(1)(d) of the Prevention of Corruption Act, 1988.

As per prosecution case, the petitioner was Assistant
Manager of Indian Bank during the period when two cheques
were issued for an amount of Rs.26,85,000/- and 20,10,000/-,
respectively by the DDC, Bhagalpur in favour of BDO,



Jagdishpur. But the same have been defalcated and credited to the account of Srijan Mahila Vikash Sahyog Samiti Limited on endorsement of this petitioner. This transaction is part of a larger scam which came to be known as Srijan scam of Bhagalpur.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. As a matter of fact, cheques bearing no. 333007 dated 16.07.2010 and 333017 dated 05.08.2010 were presented with the deposit slip of SMVSSL and for this reason the amounts were credited in the account of Indian Bank, Bhagalpur. The petitioner had been simply discharging his duties assigned to him and the allegation is baseless and merely on presumption of the investigating officer. No allegation has come on record regarding defalcation of any public fund against this petitioner except that which is mentioned in paragraph 16(xi) and 16(xii) of the charge-sheet filed by the CBI in this case. No recovery has been made from the possession of this petitioner and he has been co-operating in the investigation with the prosecuting agency. Learned counsel put his reliance on the decision of the Supreme Court in the case of Siddharth vs. State of UP (2021 SCC Online SC 615) on the point that if the accused had been co-operating with the investigation, his arrest was not required.



The learned counsel further submits that the petitioner is in custody since 04.03.2022 and charge-sheet has been submitted in this case and investigation is complete.

Learned counsel appearing on behalf of the CBI vehemently opposes the submission made on behalf of the petitioner. Learned counsel submits that it is due to the act of this petitioner that fund meant for the BDO, Jagdishpur was diverted to the account of SMVSSL.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet along with the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge C.B.I.-II, Patna in connection with Special Case No. 02 of 2020 cum RC 16/S/2018 arising out of Kotwali (Bhagalpur) P.S. Case No. 660 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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