

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50107 of 2021

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

SANT KUMAR SINHA S/o Late Anil Chandra Sinha R/o Indraprastha Colony, Lichi Bagan, Ishakchak, P.S.- Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

Central Bureau of Investigation through its Superintendent of Police, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, 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 24-02-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 34, 120B, 409, 420, 467, 468 and 471 of the Indian Penal Code and sections 13(2) and 13(1)(d) of the Prevention of Corruption Act.

The prosecution case as per the F.I.R., which is one of the F.I.Rs. in the popularly known as Srijan scam, is that the accused persons were involved in deposit of cheques meant for the Government authorities into the account of Srijan Mahila Vikas Sahyog Samiti Ltd. ('SMVSSL' in short). The allegation specific to this petitioner in the supplementary chargesheet dated 31.12.2020 being that he was actively involved in filling of the cheques, filling of the pay-in slips and depositing the same in the account of SMVSSL.



It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case for the reason that in the relevant period in between 1990 to 2015, he was working as a Clerk in the Bank of Baroda, Main Branch, Bhagalpur. The petitioner is not named in the F.I.R. nor in the chargesheet but on 25.8.2019, the name of the petitioner transpired for the first time in the supplementary chargesheet dated 31.12.2020. It is submitted that the petitioner was a mere Clerk. The prosecution case is primarily dependent on documentary evidence and the investigation in the case having been completed, the documents are already in possession of the Investigation Agencies. The petitioner is in custody since 27.1.2021 and undertakes to cooperate in the trial.

The application for bail is opposed by learned Standing Counsel for the Central Bureau of Investigation ('C.B.I.' in short). Referring to paragraph nos.16.4, 16.5, 16.6 and 16.7 of the supplementary chargesheet submitted on 31.12.2020, a copy of which has been produced for perusal of the Court, it is submitted by learned Standing Counsel appearing for the C.B.I. that direct and substantial material has transpired against this petitioner that while working as a Clerk in Bank of Baroda, the petitioner was involved in filling up several



cheques, pay-in slips and crediting the amounts meant for the Government authorities into the account of SMVSSL. It is further submitted that to hide the scam from being exposed, many a times cheques were obtained from Manorma Devi and credited in the account of District Land Acquisition Officer (DLAO) so that the scam is not discovered. It is submitted that once the petitioner is enlarged on bail, he will neither cooperate in the trial nor permit the case to conclude.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the nature of allegation, chargesheet having been submitted in the case and the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.2 of 2021 (arising out of R.C. Case no.13/A/17) 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 original passport in the learned trial court or in the alternative shall file an affidavit to the effect that he is not a holder of a passport.
- (ii) one of the bailors shall be a close relative of the petitioner.



(iii) the petitioner shall remain physically present in the learned trial court on each date of the trial and shall cooperate in the trial.

In case of violation of any of the above conditions or in case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, 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)

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