IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50472 of 2021

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

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NAVIN KUMAR SAHA @ NABIN KUMAR SAHA S/O BHIM NARAYAN SAHA R/o village- Babhangama, P.S.- Barahat, District- Banka, at present residing at Hope Anand, Flat No. 205, West Boring Canal Road, Patna

... ... Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE CBI Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Pranav Kumar Jha
For the Opposite Party/s : Mr.Bipin Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned counsel for the C.B.I.

The petitioner seeks bail in connection with Special Case No. 12 of 2020 arising out of R.C. Case No. 14/A/17 registered for the offences under Section 120(B) read with, Sections 409, 420, 467, 468, 471 of the Indian penal Code and Section 13(2) read with Section 13(1)(d) of the P.C.Act, 1988.

The case relates to illegal transfer and misuse of funds from government bank accounts in Bhagalpur and Saharsa in fraudulent and conspiratorial manner. An inquiry pertaining to different accounts of District Nazarat, Bhagalpur maintained with Bank of Baroda, RP Road Ghantaghar, Bhagalpur and Indian Bank, Patel Babu Road, Bhagalpur was conducted and the inspecting team has submitted its report. In the said report, the submission contain fraudulent deception, financial irregularities and misappropriation of government funds.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. Petitioner is not named in the FIR. He further submits that the petitioner was Branch Manager in Bank of Baroda, Bhagalpur Branch from 04.07.2008 to 20.06.2011. He further submits that the cheque in question was belonged to another Bank and the duty of the said Bank to verify the signature and the amount in the account of the account holder and after through verification cleared the check for clearance. He further submits that similarly situated co-accused, namely, (1) Ajay Kumar Pandey has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr.Misc. No. 6093 of 2021 vide order dated 07.09.2021, (2) co-accused, namely, Deo Shankar Mishra has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc.No. 40045 of 2021 vide order dated 10.12.2021 (3) co-accused,namely, Ram Krishna Jha has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 13523 of 2021 vide order dated 27.08.2021 and (4) co-accused, namely,Barun Kumar has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 35666 of 2021 vide order dated 28.10.2021. Petitioner is in custody since 19.10.2020.

On the other hand, learned counsel for the C.B.I. submits that in Chargesheet at Para No.16.4(A) and 16.4(B) there is sufficient evidence oral as well as documentary against the petitioner with respect to his involvement in the said illegal transfer of huge amount of government money in favour of SMVSSL account. He further submits that the petitioner carries twelve more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five 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. 12 of 2020 arising out of R.C. Case No. 14/A/17 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court

and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3)The petitioner shall surrender Indian passport before the learned court below, if he possesses the same. If the petitioner has deposited his Indian Passport in another case, he may file affidavit with regard to the same.

(4) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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