

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49856 of 2021

Arising Out of PS. Case No.-17 Year-2018 Thana- C.B.I CASE District- Patna

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 C.B.I.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Adv. Mr. Pranav Kumar Jha, Adv.
For the C.B.I.	:	Mr. Bipin Kumar Sinha, S.C. to C.B.I.
For the State	:	Mr. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-02-2022 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.10 of 2020 (arising out of RC Case no.17(S) of 2018) registered under sections 120B, 409 and 420 of the Indian Penal Code and sections 13(2) and 13(1)(c)(d) of the Prevention of Corruption Act.

This case relates to the Srijan scam. As per the prosecution case, the petitioner was posted as Branch Manager in the Bank of Baroda for the period from 4.7.2008 to 20.6.2011. It is stated that a cheque was issued by the D.D.C.,



Bhagalpur and Director, D.R.D.A., Bhagalpur in favour of the Block Development Officer, Kahalgaon, Bhagalpur but the same was credited in the account of Srijan Mahila Vikas Sahyog Samiti Limited ('SMVSSL' in short) and the petitioner was the checker of the said cheque. Thus, it was stated that the amount was fraudulently and dishonestly credited in the account of SMVSSL with the active assistance of this petitioner.

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 for the period from 4.7.2008 to 20.6.2011, he was posted as a Branch Manager of the Bank of Baroda, Bhagalpur. It is submitted that no material has transpired in course of investigation to connect the petitioner with the alleged crime. He is at present working as the Chief Manager in the Bank of Baroda. In any case, he is in custody since 19.10.2020 and investigation in the case has concluded. Learned counsel 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. State of Bihar) to submit that as in the said case, the investigation in the instant case having been completed, no useful purpose would be served in keeping the petitioner in custody and thus, he may be enlarged



on bail. The petitioner 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). It is submitted by learned Standing Counsel for the C.B.I. that the petitioner was working as the checker at the relevant time and was directly involved in passing/clearing of the cheque as a result of which the cheque which was drawn in favour of the Block Development Officer, Kahalgaon, Bhagalpur was deposited in the account of SMVSSL. It is submitted that once the petitioner is enlarged on bail, he will not cooperate 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, chargesheet having been submitted on 30.4.2020 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.10 of 2020 (arising out of RC Case no.17(S) of 2018) 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 with the



learned trial court or in the alternative file an affidavit to the effect that he does not hold a passport or has already deposited the original in another case.

(ii) one of the bailors of the petitioner shall be a close relative.

(iii) the petitioner will be properly represented on each date and shall cooperate in the trial.

Learned trial court will be at liberty to cancel the bail bond of the petitioner in case of violation of any of the above conditions.

(Partha Sarthy, J)

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