IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51000 of 2021

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

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NAVIN KUMAR SAHA @ NABIN KUMAR SAHA Son of Bhim Narayan Saha Resident of 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. Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Advocate
For the CBI	:	Mr. Bipin Kumar Sinha, SC

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 14-02-2022 Heard learned counsel for the petitioner and learned Standing Counsel for the C.B.I. through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with Special Case No. 02 of 2020 arising out of R.C. Case No. 16(S) of 2018 instituted for the offences under Sections 120(B), 409, 420 of the Indian Penal Code read with Sections 13(2) and 13(1) (c) and (d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the petitioner is in custody since 14.08.2019 and was remanded in this case on 31.01.2020 and prior to SRIJAN Scam he was a person with clean antecedent.

Learned counsel for the petitioner submits that informant alleges that when bank account of Block Office, Jagdishpur were scrutinized and tallied, temporary misappropriation of Rs.8,00,88,158/- through thirty-seven cheques issued in favour of the B.D.O., Jagdishpur was found during the period 2008 to 2013.

Learned counsel for the petitioner submits that the petitioner was posted as a Branch Manager, Bank of Baroda, Bhagalpur Branch from 04.07.2008 to 20.06.2011 and after about six years of his transfer the present case came to be instituted. Further as per banking rules it is the duty of the Accountant to maintain ledger of account and if any cheque or withdrawal slip is filed, it is the duty of the bank officer to check the signature of the bank account holder and pass the same and it is only after the cheque and withdrawal slips are verified, it comes to the Branch Manager for clearance, further even as per charge-sheet more particularly paras 7, 8 and 19 there is no specific allegation against the petitioner about any illegality committed being the Branch Manager except for the fact that his name is mentioned in the aforesaid paragraph, further even as per prosecution case in between 04.07.2008 to 20.06.2011 there was no financial loss to the exchequer, it is further submitted that co-accused have been granted bail as detailed in paragraph 24 to 28 of the bail application.

Learned Standing Counsel for the C.B.I. vehemently opposes the prayer for regular bail of the petitioner but fairly submits that co-accused as detailed in paragraph 24 to 28 are concerned they have been granted bail.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted and co-accused have been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten 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 arising out of R.C. Case No. 16(S) of 2018.

(Satyavrat Verma, J)

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