IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64325 of 2021

Arising Out of PS. Case No.-20 Year-2017 Thana- C.B.I CASE District- Patna

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MRITUNAJOY PRASAD SINGH @ MRITUNJOY PRASAD SINGH Son of Late Binda Prasad Singh Resident of Village- Koylakund, P.S.- Hayaghat, District- Samastipur.

... ... Petitioner/s

Versus

The Central Bureau of Investigation (C.B.I.), New Delhi. Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan

For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. advocate (SC CBI)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 10-11-2022 Heard learned counsel for the petitioner and learned counsel for the C.B.I.

The petitioner apprehends his arrest in a case in connection with R.C. Case No.20(A)/2017 (Special Case No.8/2019), registered for the offence punishable under Sections 120(B), 409, 420, 467, 468, 471 of the Indian Penal Code and section 13(ii) read with 13(i)(c) and 13(1) (d) of the P.C. Act.

This case is one of the cases related to Srijan Scam at Bhagalpur registered on the basis of written complaint lodged by Shri Raj Kumar, Senior Treasury Officer, Saharsa in P.S. Sadar, Saharsa on 17.08.2017 related to misappropriation of funds from the account of Special Land Acquisition Office, Saharsa to the account of Srijan Mahila Vikash Sahyog Samiti

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Ltd. (SMVSSL), Bhagalpur. Accordingly, an FIR No. 850/2017 was registered against Manorma Devi, Director, SMVSSL, Bhagalpur, the then Branch Manager and other official of Bank of Baroda, Saharsa and Bhagalpur, the then officials, the then cashier and head assistant of Special Land Acquisition Office, Saharsa u/s 120B, 406, 409, 419, 420, 467, 468 and 471 of the IPC in P.S. Sadar Saharsa on 17.08.2017.

It is submitted that petitioner is not named in the FIR and his name transpired in this case during the course of investigation and it is alleged that on the relevant time while the petitioner was working as Senior Manager (Credit) he passed a cheque of Rs. 50 crore which was issued in favour of SMVSSL and the same was deposited with deposit slip of SMVSSL. It is further submitted that petitioner never conspired with anybody in order to commit any offence. During entire investigation no any illegal transaction or unauthorized money has been recovered either from his possession or from his bank account. Petitioner is not the beneficiary of entire transaction and not a single penny has been seized/ recovered either from the account of this petitioner or from his possession. Charge sheet has already been submitted and during the entire investigation petitioner has co-operated with the investigating agency. There

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is no allegation of tampering with evidence against him. Petitioner has got clean antecedent.

Learned senior counsel appearing for the C.B.I opposes the prayer for anticipatory bail and submits that petitioner was checker and he has verified the cheque No. 565502 of Rs. 50 crore and the amount was transferred fraudulently from the account of SLAO Koshi Project, Saharsa into account of SMVSSL by making forged signature of Shri Krishna Kumar, the then SLAO, Koshi Project, Saharsa. It is further submitted that this petitioner abused his official position in conspiracy with other accused persons with dishonest intention to transfer funds from the account of SLAO, Saharsa in the account of SMVSSL fraudulently and thereby caused huge loss to the Government exchequer.

Considering the facts of the case and the fact that charge sheet has already been submitted against the petitioner and during the course of investigation petitioner co-operated with the investigating agency and there is no allegation of tampering with evidence coupled with clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten

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thousand) with two sureties of the like amount each to the satisfaction of Special Judge, CBI-II, Patna in connection with Special case No.8/ 2019, arising out of RC case No. 20A/ 2017, subject to conditions laid down u/s 438(2) of the Cr. P. C with the following conditions: -

(I) The Petitioner/accused should not contact the prosecution witnesses or any person acquainted with the facts of accusation against them so as to dissuade them from disclosing the same to the Court or to the police.

(II) The petitioner/accused should cooperate the trail court in expeditious disposal of the trial against them.

(III) The petitioner/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The petitioner/ accused should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

(Prabhat Kumar Singh, J)

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