

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68670 of 2021

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

Subh Laxmi Prasad @ Shubh Laxmi Prasad, W/o Late Binoda Nand Prasad
Resident of Mohalla - Rani Talab Road, Fatehpur, Ang- Vihar Apartment,
Block C Near BCE, P.S. - Sabour,k Dist. - Bhagalpur.

... .. Petitioner/s

Versus

Central Bureau Of Investigation (C.B.I.), New Delhi Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Bipin Kumar Sinha,APP
For the Respondent (C.B.I)	:	Mrs. Nivedita Nirvikar, Senior Advocate Ms. Kriti Suman, Junior Counsel

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 07-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with RC 14(A) 2017, giving rise to Spl. Case No. 12
of 2020 arising out Kotwali(Bhagalpur) P.S. Case No. 505 of
2017 registered for the alleged offences under Sections 409,
420, 467, 468, 471 and 120B of the Indian Penal Code and
under Sections 13(2) r/w 13(1)(d) of the Prevention of
Corruption Act, 1988.

As per prosecution case, huge amount from the



account of District Magistrate Bhagalpur were defalcated on a number of occasions and funds transferred to one NGO, Srijan Mahila Vikas Sahyog Samiti Limited (In short, 'SMVSSL'). The allegations against this petitioner is that she was the chairman of SMVSSL and she issued certain cheques for credit in the account of the District Magistrate, Bhagalpur so that the defalcation does not come to light and the cheques issued by District Magistrate are not dishonored.

Learned counsel for the petitioner submits that petitioner was merely the chairman of NGO SMVSSL and apart from that being the authorized signatory, she issued some cheques. Since, the petitioner has got deposited certain cheques, she had been made accused though there is no allegation that there was any involvement of this petitioner in any defalcation of the money. Learned counsel further submits that the petitioner is an old lady aged about 80 years and has been suffering from several ailments and her age and medical grounds may be considered while considering her prayer for bail. Learned counsel further submits that in one of the cases, the Supreme Court vide order dated 17.07.2020 passed in Cr. Appeal No. 484 of 2020 has granted bail to the co-accused since investigation was completed and no further custody was



required. In the present case, the Coördiante Bencehs of this court have granted bail to some of the co-accused persons namely Ram Krishna Jha (Cr. Misc. No. 13523 of 2021), Ajay Kumar Pandey (Cr. Misc. NO. 6093 of 2021) and Barun Kumar (Cri. Misc. NO. 35666 of 2021). Almost similarly placed co-accused Sarita Jha who was also a signatory on the cheques so issued by the petitioner has been granted bail by another Coordinate Bench vide order dated 20.12.2021 passed in Cr. Misc. No. 35842 of 2021. Learned counsel further submits that the petitioner is in custody since 19.10.2020 and investigation is complete in this case and charge sheet has been submitted and there is no chance of tampering with the evidence or the trial.

Learned senior counsel appearing on behalf of the C.B.I. submits that this petitioner is the kingpin and the common inference from her conduct is that she had knowledge of defalcation of the fund and was instrumental in the same and for this reason she issued the cheques and deposited the same in the account of District Magistrate. Prior to that some forged cheques were issued for defalcation of the fund from the account of District Magistrate, Bhagalpur to the account of SMVSSL and the petitioner was the chairman of the said NGO. She has significant role in the conspiracy in which a number of



persons are involved. Learned senior counsel further submits that the petitioner might try to influence the witnesses as she is an influential person of the locality.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is an old lady and is in custody for more than two years and charge sheet has been submitted, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge C.B.I.-II, Patna in connection with Spl. Case No. 12 of 2020-cum-RC 14/A/2017 arising out of Kotwali (Tilkamanjhi) P.S. Case No. 505 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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