IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6085 of 2023

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

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ARJUN DAS S/O LATE BANARSI DAS Resident of - 1/2 Rameshwar Maliya, 1st by lane, Howrah (Haora), P.S.- Howrah (Haora), District- Howrah, West Bengal- 711101.

... ... Petitioner/s

Versus

The Superintendent Of Police, C.B.I./ACU-V/AC-II, New Delhi. New Delhi

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate
: Mr.Krishna Chandra,Advocate
For the Opposite Party/s : Mrs.Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 03-05-2023 Heard learned counsel for the petitioner and Mrs. Nivedita Nirvikar, learned senior counsel for the C.B.I.

The petitioner seeks bail, who is in custody since 14.11.2022 in connection with Special Case No.12 of 2020 arising out of RC No.14(A)2017, F.I.R. dated 25.08.2017 registered for the offence punishable under Sections 120-B r/w 409,420,467,468,471 of Indian Penal Code on the basis of Bhagalpur, Kotwali (Tilakmanjhi) P.S.Case No.505 of 2017, registered on 10.08.2017, for the offences punishable under Sections 409/420/407/468/120-B/34 of IPC.

The prosecution case, in short, is that as per chargesheet petitioner was posted as Manager in the Bank of Baroda, Bhagalpur from 30.07.2007 to 09.10.2009. On

21.07.2009 he verified issuance of cheque book series 62251 to 62300 without any requisition and he handed over the same to co-accused Sant Kumar Sinha. Later on Rs. Two crores is alleged to have been siphoned of by misusing two cheques from the aforesaid cheque book series. The petitioner is alleged to have initiated transaction against the aforesaid two cheques bearing no.62258 dated 22.07.2009 for an amount of Rs. One crore and cheque No.62260 dated 27.07.2009 for an amount of Rs. One crore. Charghesheet further shows that to cover-up the aforesaid illegal act and financial irregularities, the petitioner and co-accused persons used to transfer amount from the Srijan into the Govt. account. In one of the instances, SMVSSL issued cheque No.065154 dated 04.09.2009 for an amount of Rs.5.5 lacs, however, two transactions were done against the same cheque, one by transferring Rs.50,000/- in the account of D.M., Bhagalpur and another by transferring Rs. Five lacs in the account of Zila Kalyan Padadhikari. The documents pertaining to two transactions against the same cheque were seized by CBI during investigation and the same find mentioned at Sl. No.30 in the list of documents of the chargesheet.

Learned counsel appearing for the petitioner submits that the petitioner has has falsely been implicated in the present case. Further submits that the petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation. Further submits that the petitioner was initially appointed as Clerk and after promotion, posted in the alleged Branch i.e. Bank of Baroda, Bhagalpur from 30.07.2007 to 09.10.2007, as Junior Officer in Scale-I. Further submits that only allegation against the petitioner, as reflected from the chargesheet No.05 of 2020 dated 18.03.2020 vide para-No.16.4(A) and 16.4(B) of the same is that a Cheuqe No.62258 dated 22.07.2009, amount of Rs. One Crore has been deposited in the account of SMVSSL illegally in which the allegation against the petitioner is that he had verified the same. Further submits that the reason best known to the investigating agency, even the specimen signature/initial has been given to the investigating agency by the petitioner during the course of investigation when the petitioner was appeared before the investigating agency on summon, the investigating agency did not verify the initial made by the petitioner by the CFSL. Further submits that co-accused, namely, Sant Kumar Sinha has already been granted bail vide order dated 16.12.2021 passed in Cr. Misc. No. 41898 of 2021, co-accused, namely, Sarita Jha has been granted bail vide order dated

20.12.2021 passed in Cr. Misc. No.35842 of 2021, co-accused namley, Navin Kumar Saha @ Nabin Kumar Saha has been granted bail vide order dated 30.03.2022 passed in Cr. Misc. No.50472 of 2021, co-accused, namley, Banshidhar Jha @ Vanshidhar Jha @ Vanshidhar has been granted bail vide order dated 31.03.2022 passed in Cr. Misc. No.52560 of 2021 by this Court . 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 14.11.2022.

Learned senior counsel for the C.B.I. has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Further submits that the petitioner in collusion with the other co-accused persons including Sant Kumar Sinha illegally issued cheque book series bearing No.62251 to 62300 on 21.07.2009 and thereafter by misusing the same cheques from the aforesaid cheque book, an amount of Rs. Two crores were siphoned off from the account of D.M., Bhagalpur into account of Srijan Vikas Sahyog Samiti Ltd. and fairly submits that other co-accused persons have been granted bail by this Court and some other co-accused persons have also been granted bail by different Coordinate Benches of this Hon'ble Court.

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 RC No.14(A)2017, 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) 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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