

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8602 of 2023

Arising Out of PS. Case No.-13 Year-2018 Thana- C.B.I CASE District- Patna

Prem Kumar Sinha Son of Late Rajendra Prasad Sinha Resident of Village-
Pipra, P.S.- Garahni, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar through C.B.I

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Advocate
For the CBI	:	Mr. Avanish Kumar Singh, Advocate
		Mr. Ambar Narayan, Advocate
		Mrs. Barkha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-06-2023 Heard Mr. Pranav Kumar Jha, learned counsel for the

petitioner and Mr. Avanish Kumar Singh, learned counsel

appearing on behalf of the CBI.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.10.2022 in connection with Special Case No. 08 of 2020
arising out of R.C. Case No. 13/S/2018, F.I.R. dated 16.08.2018
for the offences punishable under Sections 34, 120B read with
Sections 409, 419, 420, 467, 471 of the Indian Penal Code and
read with Section 13(1)(c) and Section 13(1)(d) of Prevention of
Corruption Act, 1988.



According to prosecution case, there is a mass bugling in the Government account at Bank of Baroda, Bhagalpur Branch where there is shortage of Rs. 2,23,60,100/- in the aforesaid government account.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner was Marketing Officer/Marketing Manager of Bank of Baroda at Bhagalpur branch during the year 2007 and was entrusted with the duty to sale and develop third party product i.e., Life Insurance, Mutual Fund, General Insurance etc. and he was not involved in the cheque or cash transaction activities of the bank. The payment and receipt of cheque/cash was the responsibility of the then Branch Manager and Clerk/ cashier of the bank. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has surfaced during investigation in paragraph nos. 4, 21 and 22 of the charge sheet and it is alleged in the charge sheet that the petitioner has temporarily misappropriated the government fund and cheated the government. Initially, the petitioner was not made an accused in the present case but the CBI in its supplementary charge sheet has made the petitioner as an accused. He further submits that in



the charge sheet filed by the CBI, there was no material against the petitioner, however, in the supplementary charge sheet dated 30.04.2020, the petitioner has been made an accused in the Accused Column No. 2. He further submits that from perusal of the charge sheet dated 30.04.2020, it is evident that there is no allegation against the petitioner. The specific allegation against the petitioner is that two A/C payee cheques amounting to Rs. 1,12,70,100/- were illegally credited into account of Srijan Mahila Vikas Sahyog Samiti Ltd, Bhagalpur by Sri P.K. Sinha and Nabin Kumar Sinha and the petitioner was never involved in the bank activities which relates to the cheque/cash transaction activities. He further submits that it appears from the supplementary charge sheet dated 30.04.2020 that there is no evidence against the petitioner either oral or documentary which may connect the petitioner in the present case, except that the petitioner was posted as Senior Branch Manager in Bank of Baroda, Bhagalpur for the period 10.10.2016 to 18.05.2017 for about 7 months and the CBI submitted charge sheet and supplementary charge sheet against all such officers of the Bank of Baroda, Bhagalpur who were posted during the check period of Srijan Scam in a mechanical manner. He further submits that one of the co-accused RC2172017A0015 dated 25.08.2019 one



Pankaj Kumar Jha has moved before the Hon'ble Supreme Court of India for grant of Regular Bail in Cr. Appeal No. 484 of 2020 arising out of SLP(Criminal) No. 1530 of 2020 and after hearing the parties the Hon'ble Supreme Court considered the case of the petitioner on the facts that **“since the charge sheet has been submitted and investigation is complete further custody of the accused may not be necessary”**. He further submits that similarly situated, co-accused, namely, Sarita Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 27.07.2021 passed in Cr. Misc. No. 165 of 2021, co-accused, namely, Sant Kumar Sinha has been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 43370 of 2021, co-accused, namely, Barun Kumar has been granted bail by Supreme Court of India vide order dated 09.05.2022 passed in Cr. Appeal. No. 765 of 2022 and co-accused, namely, Prabhat Kumar Sinha has been granted anticipatory bail by Supreme Court of India vide order dated 09.08.2021 passed in SLP(Cri) No. 5492 of 2020. The petitioner is in custody since 19.10.2022.

The learned counsel appearing on behalf of CBI has vehemently opposed the prayer for bail of the petitioner and submits that the involvement of the petitioner has come in the



charge sheet in paragraph nos. 4, 21 and 22 and sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence but fairly submits that the similarly situated co-accused persons have been granted bail by the Hon'ble Court.

Considering the aforesaid facts, the petitioner was not named in the FIR, chargesheet has been submitted, similarly situated co-accused has been granted bail, 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 the learned Special Judge, CBI-II, Patna in connection with Special Case No. 08 of 2020 arising out of R.C. Case No. 13/S/2018, subject to 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 absence on two consecutive dates without sufficient reason, his 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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