IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8460 of 2023

Arising Out of PS. Case No.-17 Year-2018 Thana- C.B.I CASE District- Patna

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PREM KUMAR SINHA S/o Late Rajendra Prasad Sinha R/o Village- Pipra, P.S.- Garahni, Distt- Bhojpur.

... ... 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

For the Opposite Party/s : Mr.Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 34, 120B read with Sections 409, 419, 420, 467, 471 of the Indian Penal Code and Sections 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988.

As per allegation in the FIR, this case relates to the Srijan Scam. Petitioner was posted as an Officer, Bank of

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Baroda, Bhagalpur for the period February, 2007 to June, 2008 as scale-1 officer and then as scale-II, in the same branch from July 2008 to April 2010. Petitioner is indulged in illegal transfer and misuse of funds from Government Bank accounts related to Kahalgaon Block, Bhagalpur in fraudulent and conspiratorial manner. Investigation revealed that accused petitioner along with other accused persons was party to a criminal conspiracy and in pursuance of the said conspiracy account payee cheques were issued in favour of BDO, Kahalgaon were illegally credited into the account of Srijan. A cheque amounting to Rs. 1,26,24,000/- has been issued by DDC Bhagalpur and Director DRDA, Bhagalpur in favour of BDO Kahalgaon, Bhagalpur. The said amount of cheque was debited from the DRDA Account and Credited into SMVSSL account. The maker of alleged cheque was co-accused Sant Kumar Sinha and the petitioner is Checker of the same.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in the present case. It is further submitted that there is no specific allegation against the petitioner and charge-sheet has been submitted on vague and omnibus allegations against him. The petitioner was Marketing Officer of Bank Of Baroda at

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Bhagalpur Branch during the year 2007 and was entrusted with the duty to sale and develop third party product and he has no any concern with the financial transactions. However, at that time he was given duty by the then Branch Manager to discharge and pass financial transactions initiated by the other bank official and the petitioner was on duty to pass financial transactions in the basis of entries made by the initiator/maker of transaction. The said function is in consonance with the banking norms and petitioner was legally obliged to observe the bank norms. Similarly situated co-accused namely, Sant Kumar Sinha, who is the maker of the cheque has already been granted bail by a Co-ordinate Bench of this Court vide order dated 16.02.2022 passed in Cr.Misc. No. 42660 of 2021. Petitioner is languishing in judicial custody since 16.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special

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Judge, C.B.I.-II, Patna in connection with R.C. Case No. 17(S) of 2018.

(Sunil Kumar Panwar, J)

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