IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12204 of 2022

Arising Out of PS. Case No.-5 Year-2018 Thana- C.B.I CASE District- Patna

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PANKAJ MANI SON OF LATE ARUN CHANDRA SINGH Resident of Village - Badhu Chak, West from P and T Chowk, Barmasia, Katihar, Bihar 854105, At present resident of quarter No. B-9/Type -III/6, 2nd floor , Ayakar Avasan, Himachal Vihar, Siliguri, Darjeeling -734010, West Bengal.

... ... Petitioner

Versus

The Superintendent of Police CBI/ACU-V/AC-II/New Delhi. Govt. of India.

... ... Opposite Party

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Appearance :

For the Petitioner	:	Mr.Prabhu Narayan Sharma, Advocate
For the CBI	:	Mrs. Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 20-03-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for the offence punishable under Sections 120B, 409, 467, 468, 471 and other allied sections of the IPC.

As per the prosecution case, officials of SMVSSI entered into criminal conspiracy with officials of BOB and Indian Bank Bhagalpur for diversion of government funds into the accounts of SMVSSL (Srijan Mahila Vikash Sahyog Samiti limited) by using 41 cheques issued by BOB, Bhagalpur in favour of DLAO (District Land Acquisition Officer), Banka. The bank officials in connivance with SMVSSL fraudulently transferred the Govt. Funds worth Rs. 82.10 crores from two different account of

DLAO, Banka, Rs. 76 crores were fraudulently transferred from account no. 10010200009254 of DLAO Bank in BOB Bhagalpur and Rs. 6.10 crores was fraudulently transferred from account no. 968713228 of DLAO, Banka in Indian Bank, Bhagalpur. The official/officers of bank, abused their official position in conspiracy with office bearers of SMVSSL by crediting these cheques into the account of SMVSSL on the basis of fraudulent endorsements of SMVSSL. SMVSSL and bank authorities deposited amounts bank in different accounts of DLAO, Banka to cover up the frauds.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case without any material evidence collected during investigation. He categorically denies the allegation of the criminal conspiracy and offence. It is submitted that the whole span of service carrier of the petitioner is unblemished, in fact the petitioner has become the victim of system.

The only allegation against petitioner, as reflected from Para 16.3.6.5 at page 25, Para 16.3.6.8 at page 27, para 16.3.6.15 at page 31 and sub-para 12 of para 16.3.9 at page 55 of the supplementary charge sheet no. 13 is that the petitioner is maker of two cheques vide cheque no. 024855 of Rupees 5 crore and cheque no. 024858 of Rs. 2 crore, which has been deposited in the SMVSSL Account and verified the two cheque as a checker vide cheque no. 024865 of Rupees 3 crore and cheque no. 024866 of Rupees 1 crore to credit into the account of SMVSSL. He further submits that the matter was investigated by CBI and during course of investigation, petitioner fully cooperated with the CBI and chargesheet came to be submitted but the name of the petitioner did not transpire in the chargesheet but later when supplementary chargesheet was submitted, the name of the petitioner got transpired. He lastly submits that the petitioner had throughout cooperated in the investigation with the Investigating Officer and CBI at no point of time felt the need of arresting the petitioner. There is no allegation against the petitioner of tampering the evidence and as such no useful purpose would be served by sending him to jail. It is admitted that chargesheet has already been submitted.

However counsel for the CBI vehemently opposes the bail application and submits that the petitioner has worked as an officer in Bank of Baroda, Bhagalpur Branch for the period from August, 2008 to June 2011. During his tenure at Bank of Baroda, bhagalpur, branch, he entered into a criminal conspiracy with other accused persons and abused his official position and made the entries of two fraudulent transactions as a maker vide cheque no. 024855 of Rs. 5 crores and cheque no. 024858 of Rs. 2 crores. He has made the entries of cheques with the dishonest intention to credit the above mentioned cheques into the account of SMVSSL despite knowing that cheques were in favour of DLAO, Banka. He further submits that in furtherance of Criminal conspiracy, accused petitioner Pankaj Mani has verified 02 fraudulent transactions as a checker vide cheque No. 024865 of Rs. 3 crores and cheque no. 024866 of Rs. 1 crores. He had verified the cheques with the dishonest intention to credit the cheque into the account of SMVSSL despite knowing that cheques were in favour of DLAO, banka and thereby caused loss of the govt. exchequer.

Considering the facts of the case, and the fact that chargesheet has already been submitted, and during course of investigation petitioner has fully cooperated with the Investigating Agency, and there is no allegation of tampering against the petitioner, coupled with clean antecedent of the petitioner, in the event of arrest/surrender within six weeks from today, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned

Special Judge CBI-II, Patna in connection with RC 217 2018 A0005/CBI.ACU-V/AC-II, New Delhi giving rise of Special Case No. 01 of 2021 (State (CBI) Vs. Hare Krishna Adak and ors) subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure with following conditions:

1) Petitioner shall cooperate 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) Petitioner should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the appellants in the instant case.

(Prabhat Kumar Singh, J)

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