

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11550 of 2023

Arising Out of PS. Case No.-15 Year-2018 Thana- C.B.I CASE District- Bhagalpur

ANANDA CHANDRA GHADAI @ ANAND CHAND GHADAI S/o Late
Sribatsha Ghadai @ Sh. Batsha Ghadai R/o Plot No. 1266, Shriram Nagar,
Old Town, P.S.- Lingraj, Distt- Khorda, State- (Odisha) Bhubaneswar.

... .. Petitioner/s

Versus

The Central Bureau of Investigation(C.B.I.), Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh

For the Opposite Party/s : Mr.Nivedita Nirvikar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 17-07-2023 Heard learned counsel for the petitioner, learned
counsel for the C.B.I. and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 409, 419, 420, 467, 468, 471, 120B/34 of the Indian Penal Code and Sections, 13(2) r/w, 13(I)(c) & 13(1)(d) of the Prevention of Corruption Act, 1988.

As per prosecution, this case is one of the several infamous Srijan Scam cases in which, huge amount of Rs. 9,25,16,926/- was diverted in the account of Srijan and misappropriated by accused persons. Allegation against this petitioner is that out of twelve cheques, he passed one cheque bearing no. 590274 dt. 4.12.2007 for amount of Rs. 32,50,000/-



issued from current account no. 3736 of DDC, Bhagalpur in favour of BDO, Pirpati block. In pursuance of the said criminal conspiracy, the petitioner, who was then bank manager, passed unauthorized transactions as checker despite the fact that B.D.O., Pirpati did not have account in the Bank of Baroda, Bhagalpur.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather his name transpires during the course of investigation and C.B.I. has submitted charge sheet against several accused persons including the petitioner. The petitioner has been implicated in the present case only because he has passed a cheque bearing no. 590274 issued by DDC, Bhagalpur. It is also submitted vide para 9, 10 & 11 of the petition that the cheque in question was in the name of B.D.O. Pirpainti and deposited in the Bank of Baroda along with the deposit slip of SMVSSL and the petitioner has cleared the cheque in question on the basis of deposit slip attached with the same. It is also stated that District Administration, Bhagalpur has taken a decision to open their account in the banking unit of SMVSSL and accordingly, an order was passed by then D.D.C. namely, Smt. Usha Varghes, wherein directions



were issued to all B.D.Os including B.D.O., Pirpainti to open account in SMVSSL, Sabour, Bhagalpur. Since the banking unit of Srijan was not having the 'banking clearance facility' therefore, SMVSSL had opened some accounts in banks for getting clearance facility and accordingly, the office bearers of SMVSSL used to deposit cheques for its credit. After completion of investigation, it seems that no any material suggests the complicity of the petitioner. The petitioner has simply discharged his duties assigned to him and entire allegations leveled against him are baseless. Other co-accused persons of this case have already been granted bail by different co-ordinate Benches of this court which is evident from Annexure-4 series. Moreover, the petitioner is languishing in judicial custody since 30.11.2022.

Learned APP appearing for the state and learned counsel on behalf of C.B.I. have vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Spl. Case no. 01 of 2020 cum-RC



15(S)/2018 arising out of Kotwali (Bhagalpur) P.S. Case No. 658 of 2017 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 C.B.I.-II, Patna.

(Sunil Kumar Panwar, J)

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