

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22363 of 2023

Arising Out of PS. Case No.-20 Year-2017 Thana- C.B.I CASE District- Patna

Shankar Prasad Das @ Sankar Prasad Das Son of Late Hari Ranjan Das R/O
147/1011, Netaji Subhash Chandra Bose Road, Flat No. 3b, Regent Park,
Kolkata, Police Station- Golf Green, West Bengal, District- Kolkata

... .. Petitioner/S

Versus

The Central Bureau of Investigation (C.B.I.), New Delhi Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate Ms. Sweta Anand, Advocate Ms. Aastha Ananya, Advocate
For the Opposite Party/s	:	Mr. Nivedita Nirvikar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of C.B.I.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Special
Case No. 8 of 2019 arising out of R.C. Case No. 20A of 2017
registered for the offence under Sections 120(B) read with
Section 409, 420, 467, 468 and 471 of Indian Penal Code and
under Section 13(2) read with Section 13(1)(c) and 13(1)(d) of
the Prevention of Corruption Act, 1988.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 02.12.2022.



5. The allegation against the petitioner is to help officer bearers of Srijan Mahila Vikas Sahyog Samiti Ltd. Bhagalpur thorough its office bearers who are the main co-accused of this case in capacity of bank officers, while employed in Bank of Baroda and transferred a cash of Rs. 1,63,03,77,064/- from 16.02.2012 to 03.04.2013 from the account of Special Land Acquisition Office Koshi Project Saharsa, further 1,63,49,17,832/- from Special Land Acquisition Office, Koshi Project, Saharsa to Srijan Mahila Vikas Sahyog Samiti Ltd. during period 28.03.2012 to 07.07.2015 and also 1,62,10,26,617/- during period 01.02.2013 to 20.04.2015.

6. Learned counsel appearing on behalf of the petitioner submitted that name of petitioner was figured at 16.3.2 and 16.3.7 of the charge-sheet, which was submitted on 25.09.2019 vide charge-sheet no. 11 dated 25.09.2019. It is submitted that save and except oral command nothing available against this petitioner regarding issuing chequebook, rather same was issued by one Radha Kumari, who was also the probationer employee. It is further submitted that opening bank account is not an offence and it does not constitute any misconduct if any subsequent fraud discovered for the simple reason that petitioner being bank employee was under obligation



to do so. It is further pointed out that the verifying of the signature of the drawee of cheque was also an official duty and since the check was endorsed by different officers at different level therefore, the petitioner cannot be held liable exclusively for that. It is further submitted that there is no allegation against this petitioner either filling the deposit slip or filing the cheque in question or forges the signature of the account holder on the cheque. It is also pointed out that the allegation, which is available against this petitioner as Branch Manager is to open two bank account of Special Land Acquisition Office, Saharsa at the branch and had issued cheque book without any requisition, which appears justified as no such requisition is required for issuance of cheque book against a government account. It is further submitted that petitioner was not entrusted with any properties nor dishonestly misappropriate any amount for his own use in violation of any law. It is submitted that petitioner not appears any beneficiary out of alleged transactions. While travelling over the argument, learned counsel submitted that the co-accused Varun Kumar having similar allegation has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 36290 of 2021 vide order dated 06.01.2022. While concluding the argument, it has been



submitted that petitioner found involved in five more criminal cases arises from similar transactions and moreover, investigation of this case has been complete for which charge sheet has been submitted and as such, there is no chance of tempering with evidence.

7. Learned senior counsel, Mrs. Nivedita Nirvikar appearing on behalf of the C.B.I., while opposing the prayer of bail submitted that the petitioner being senior bank officials of Bank of Baroda in collusion with officer bearers of Srijan Mahila Vikas Sahyog Samiti Ltd. dishonestly misappropriate the fund of land acquisition officer. Learned senior counsel further submitted that the economic offences like the present have deep rooted conspiracy and involvement as such caused huge loss of public funds which to be viewed seriously and while submitting so learned senior counsel of CBI relied upon the report of Hon'ble Supreme Court in the case of *Nimmagadda Prasad Vs. Central Bureau of Investigation* reported in (2013) 7 SCC 466. While concluding the argument it has been fairly conceded by learned senior counsel that investigation of this case has been completed, charge-sheet submitted and it appears that there is no further custodial requirement of petitioner in this case.

8. Considering the facts and circumstances as



mentioned above, and by taking note of the fact as petitioner not appearing any beneficiary, where maximum allegation appears regarding dereliction of duty while verifying the signature of drawee of the cheque, which too based upon reporting of other bank officers, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 02.12.2022, accordingly, the petitioner, above named, is directed to be released on bail in connection with Special Case No. 08 of 2019 arising out of R.C. Case No. 20A of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial



Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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