IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15217 of 2023

Arising Out of PS. Case No.-7 Year-2018 Thana- C.B.I CASE District- Patna

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Ananda Chandra Ghadai @ Anand Chandra Ghadai S/O Late Sribatsha Ghadai @ Sh. Batsha Ghadai R/O- Plot No. 1266, Shriram Nagar, Old Town, P.S.- Lingraj, District- Khorda, District- (Odsha) Bhubaneshwar

... ... Petitioner/s

Versus

The Central Bureau Of Investigation (c.b.i.), New Delhi New Delhi

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
For the Opposite Party/s : Mr. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned APP for the State.

02. Let the defect (s), if any, as pointed out by the office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in connection with Special Case No. 04 of 2020 (R.C. Case No. 07/A/2018) arising out of Kotwali (Bhagalpur) P.S. Case No. 545 of 2017, registered on 12.06.2018 for the alleged offences under Sections 120B, 409, 420, 467, 468 and 471 of the Indian Penal Code and Sections 13(2) read with 13(1)(c) and (d) of the Prevention of Corruption Act, 1988.

04. As per prosecution case, the allegation against the petitioner is that while he was working as Branch Manager of

Bank of Baroda, Branch-Bhagalpur, he passed the entry for issuance of cheque book serial Nos. 314001 to 314020, which was not entered into Cheque Book issue Register and it was also not clear as to whom it was delivered. Further allegation is that he passed cheque no. 314001 related to fraudulent withdrawal of Rs. 7 crore 50 lacs from the account of Deputy Development Commissioner (DDC) to the bank account of Srijan Mahila Vikas Sahyog Samiti Limited (SMVSSL) and the signatures were found forged on the cheque. Further allegation against the petitioner that he was part of one of the largest conspiracies for diversion and misuse of Government fund.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and his name transpired during course of investigation and charge-sheet was submitted against 27 persons including the petitioner. The petitioner has been made accused merely on suspicion while alleging him to the part of the conspiracy along with other co-accused persons and no material has come up during investigation showing his complicity and connection with other co-accused persons of the said conspiracy.The allegation against the petitioner is that he verified the cheque no.314001 for an

amount of Rs. 7 crore 50 lacs, which was transferred in the account of SMVSSL, but the cheque in question was presented before the petitioner along with the deposit slip in favour of SMVSSL by its maker co-accused Sant Kumar Sinha and the petitioner is only verifier of the said cheque. Finally the said cheque was passed or cleared by the head Branch of the Bank. The petitioner has discharged his duties as per the banking norms and regulations. The petitioner is not a beneficiary in the entire episode and during investigation, the Investigating Agency has not found any unlawful gain to the petitioner. Charge-sheet has been submitted on 30.12.2019 and the matter is still at the stage of appearance. Further, no material has come on record showing that the petitioner has knowledge about the illegalities or he received any monetary benefits. Learned counsel further submits that a number of co-accused persons have been granted bail by the different Co-ordinate Benches of this Court. The petitioner is in custody since 25.11.2022.

06. Learned counsel appearing on behalf of CBI submits that the petitioner conspired with other co-accused persons and at his instance the amount of Rs. 7 crore 50 lacs was transferred to the account of M/s SMVSSL. Further, he also passed entry on dated 17.07.2008 for depositing Rs. 24,50,000/-

in the account of DDC from SMVSSL's account. Learned counsel further submits that the case of the petitioner is not similarly placed with other co-accused who have been granted bail by different Co-ordinate Benches of this Court.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offences as alleged and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-II, Patna in connection with Special Case No. 04 of 2020-cum-RC 7/A/2018 arising out of Kotwali (Bhagalpur) P.S. Case No. 545 of 2017, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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