IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17204 of 2023

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

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Arun Kumar S/O Rajdev Rajak Resident Of Village- Aitwarpur, P.O.- Kurthaul, P.S.- Punpun, District- Patna.

... ... 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
For the Opposite Party/s : Mr.Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 120(B), 409, 420, 467, 468, 471 of the Indian Penal Code and Sections 13(2) read with 13(1)(c)(d) of the Prevention of Corruption Act.

It is alleged against the petitioner that the petitioner being Nazir, DDC, Bhagalpur in collusion with the bank officials and office bearers of *Srijan Mahila Vikas Sewa Samiti Limited* (hereinafter referred to as SMVSSL) had diverted the funds of DDC to the account of *Srijan Mahila Vikas Sewa Samiti Limited*. During investigation, it reveals that during his posting in DDC office, 10 DD/POs amounting to Rs. 20,44,43,100/- were issued in the name of DDC and were diverted in the SMVSSL account maintained with Bank of Baroda and Indian Bank, Bhagalpur.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up only on the basis of suspicion. During investigation, the investigation agency has failed to collect any material showing connivance/conspiracy of the petitioner with other co-accused persons. It has also not come during entire investigation that petitioner is a beneficiary in the entire happenings and the investigating agency has not found any amount/property access to the known source of income of the petitioner. The charge-sheet has already been submitted against the petitioner. The petitioner is languishing in custody since 25.11.2022. Moreover, other co-accused person has been granted the privilege of bail by a coordinate Bench of this Court vide order dated 01.12.2021 passed in Cr. Misc. No. 33112 of 2021.

Learned senior counsel appearing on behalf of the Central Bureau of Investigation has vehemently opposed the prayer for bail of the petitioner and submitted that during investigation, it has revealed that the petitioner was assigned to deposit 03 SBI DD/POs in various accounts of DDC in Bank of Baroda, Bhagalpur but these DDs/POs were collected and paid in Indian Bank in the account of *Srijan Mahila Vikas Sewa Samiti Limited* and he handed over the POs in the bank without taking receipts/counterfoils. The petitioner had been instrumental in diversion of huge amount of money from the account of DDC into the account of *Srijan Mahila Vikas Sewa Samiti Limited* in conspiracy with other accused persons and being public servant, he did not discharge his official duties honestly and diligently and committed financial irregularities in conspiracy with other co-accused persons.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I-II, Patna in connection with Kotwali (Bhagalpur) P.S. Case No. 545 of 2017.

(Sunil Kumar Panwar, J)

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