

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17308 of 2023

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

Shankar Prasad Das @ Sankar Prasad Das Son of Late Hariranjana Das R/o
147 (174)/10/1 NSC Netaji Subhash Chandra (NSC) Bose Road, Flat no. 3B
Regent Park, Kolkata, PS- Golf Green west Bengal

... .. Petitioner/s

Versus

The Central Bureau of Investigation (CBI) New Delhi Govt. of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the C.B.I. : Mrs. Nivedita Nirvikar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-07-2023 Heard Mr. Uday Pratap Singh, learned counsel for the

petitioner and Mrs. Nivedita Nirvikar, learned senior counsel

appearing on behalf of Central Bureau of Investigation.

2. Petitioner seeks bail, who is in custody since
12.11.2022 in connection with R.C. Case No.07/A/2018 arising
out of Special Case No.04 of 2020, arising out of Kotwali
(Bhagalpur) P.S. Case No.545 of 2017, F.I.R. dated 12.06.2018
for the offences punishable under Sections 120B, 409, 420, 467,
468, 471 of the Indian Penal Code and Section 13(2) read with
Section 13(1)(c) & (d) of Prevention of Corruption Act, 1988.

3. According to prosecution case, the present case is
one of the cases related to infamous Multi Hundred Crores
Srijaan Scam. From perusal of charge sheet it appears that
investigation has revealed that petitioner passed DD No.192056



dated 01.08.2012 for an amount of Rs.54,0921/-, D.D. No.192054 dated 21.07.2012 for an amount of Rs.3,23,453.69/- cheque No.87096 dated 01.08.2012 for an amount of Rs.38,83,564.96/- and cheque No.129850 dated 01.08.2012 for an amount of Rs.53,14,001/- all issued in the name of DDC, Bhagalpur. However, the above said DDs and cheques were credited in the account of Srijan. Record of DDC revealed that these cheques were sent to Bank of Baroda, Bhagalpur for credits in its Account No.10010100003770. The maker of transactions was applicant. Investigation further revealed that petitioner also passed many DDs and cheques total amounting to Rs.90,89,497/- all issued in favour of DDC, Bhagalpur with account payee crossing but the aforesaid DDs and cheques were credited in the account of Srijan. The deposit slips pertaining to aforesaid transaction were found filled-up in the handwriting of co-accused Sant Kumar Sinha as per CFSL report. The petitioner also passed many transactions made by Srijan for depositing back Rs.4 crores out of total Rs.18,88,61,000/- siphoned off from the account of DDC.

4. Learned counsel for the petitioner submits that petitioner was posted as Branch Manager, Bank of Baroda, Bhagalpur Branch and prior to the Srijan Scam, he was a person



with clean antecedent and after the Scam surfaced the petitioner came to be implicated in five cases including the present one.

5. Learned counsel for the petitioner further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation in the charge sheet. Petitioner was in between May 2011 to June 2014 was posted as Branch Manager of Bank of Baroda, Bhagalpur Branch, Bhagalpur and he has passed 19 DDs/POs issued in the name of DDC, credited in the account of SMVSSL and as per charge sheet the petitioner as a Branch Manager, passed the DDs/POs to the tune of Rs.1,24,82,940.65 found transfer in the account of Srijan from the account of DDC and the petitioner has discharged his banking duties as per the banking norms/regulations/rules and merely on doubts he is made accused in this case. He further submits that petitioner is not a beneficiary in the entire happenings as during the course of investigation, the investigating agency has not found any amount/property excess to the known sources of the petitioner and the entire case of the petitioner is based on documentary evidence and he has already been taken in custody by the Investigating Agency and there is no chance at all the petitioner would temper the evidence or influence the witnesses.



6. Learned counsel for the petitioner further submits that the petitioner was neither the checker of any Negotiable Instrument, he was only performing his duty, to pass the transaction submitted by the maker and if any cheque were deposited at the time of closure of account the duty of making request for cancellation of cheque in bank system is of maker of the transaction, so petitioner is no way involved in the alleged offence in any manner as alleged in the charge sheet. The payment and receipt of cheques/cash etc. were the responsibilities of the then Branch Manager and Clerk /Cashier of the aforesaid Bank and it would appear from the charge sheet that there is no specific allegation against the petitioner about any irregularities committed by him and otherwise his name is mentioned in the charge sheet, making him as an accused in the present case. The petitioner is in custody since 12.11.2022 in Srijan Scam and remanded in the present case on 07.12.2022 and in fact there is no specific involvement of the petitioner came out during investigation/inquiry in the present case and only on the basis of suspicion, the petitioner is being charge sheeted in the present case. The petitioner has never misused his official position and the entire allegation of criminal conspiracy, fraud and forgery is false.



7. Learned counsel for the petitioner further submits that one of the co-accused of RC2172017A0015 dated 25.08.2019 one Pankaj Kumar Jha has moved before the Hon'ble Supreme Court of India, New Delhi for grant of regular bail in Criminal Appeal No.484/2020 arising out of S.L.P. (Criminal) No.1530/2020 and after hearing the parties the Hon'ble Supreme Court of India, New Delhi considered the case of the petitioner on the facts that "since the charge sheet has been submitted and investigation is complete further custody of the accused may not be necessary" and the Hon'ble Supreme Court of India, New Delhi after hearing the parties granted bail to the accused namely, Pankaj Kumar Jha vide order dated 17.07.2020. He further submits that some of the similarly situated co-accused has been granted bail in Cr. Misc. No.8635 of 2021 (Pradyut Kumar Biswas @ P.K. Biswas Vs. The State of Bihar), Cr. Misc. No.35068 of 2021 (Barun Kumar Vs. The CBI), Cr. Misc. No.33112 of 2021 (Deo Shankar Mishra Vs. The State of Bihar & Anr), Cr. Misc. No.35301 of 2021 (Sarita Jha Vs. The CBI), Cr. Misc. No.18953 of 2021 (Ram Krishna Jha @ R.K. Jha Vs. CBI), Cr. Misc. No.44285 of 2021 (Ajay Kumar Pandey Vs. The CBI), Cr. Misc. No. 46331 of 2021 (Sant Kumar Sinha Vs. The CBI), Cr. Misc. No.61760 of 2021



(Navin Kumar Saha @ Nabin Kumar Saha Vs. The CBI), Cr. Misc. No.46486 of 2021 (Tapan Kumar Roy @ Tapan Roy Vs. The State of Bihar) (Anticipatory Bail) and after hearing the respondents this Hon'ble Court granted bail to these petitioners by orders dated 13.08.2021, 04.10.2021, 01.12.2021, 03.12.2021, 18.01.2022, 19.01.2022, 03.03.2022, 11.08.2022, 19.09.2022 respectively.

8. The learned senior counsel appearing on behalf of the Central Bureau of Investigation has vehemently opposed the prayer for bail of the petitioner and submits that during course of investigation it has come that the petitioner was involved in the present occurrence and he has conspiring with the other co-accused persons transferred the amount in question from the account of DDC to the SMVSSL and during course of investigation and material collected by the prosecution it established the role of the accused as a conspirator in the Srijan Scam.

6. Considering the aforesaid facts and circumstances, petitioner is in custody since 12.11.2022, charge sheet has been submitted in this case and the similarly situated co-accused persons have been granted bail by this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of the like



amount each to the satisfaction of the learned Special Judge, C.B.I.-II, Patna in connection with R.C.Case No.07/A/2018 arising out of Special Case No.04 of 2020, arising out of Kotwali (Bhagalpur) P.S. Case No.545 of 2017, subject to the following conditions:-

1. Petitioner shall co-operate 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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