IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17174 of 2022

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

==

SUJEET KUMAR SRIVASTAVA @ SUJEET KUMAR SHRIVASTAVA S/o Late Shambhu Sharan Prasad Resident of North of Jangli Mai Asthan, Near Dhobi Kunha Balu Ghat, Police Station- Nagar Thana, District- Muzaffarpur.

... ... Petitioner/s

Versus

Central Bureau of Investigation throgh Superintendent of Police, New Delhi. New Delhi

... ... Opposite Party/s

==

Appearance :
For the Petitioner/s : Mr.Alok Kumar
For the Opposite Party/s : Mr.Raghwendra Pratap Singh

==

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

12 27-03-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for the offence punishable under Sections 34, 120(B), 409, 419, 420, 467, 468, 471 of the IPC.

The instant application is one of the cases relating to Srijan Scam. Allegation specific against the petitioner in the said case being that this petitioner played a major role in conspiracy with other accused persons and misappropriated Government Funds worth crores of Rupees. It is further alleged that at the relevant time petitioner was working as Manager Credit in the Bank of Baroda, Bhagalpur Branch. He was maker of the transaction for closure of account no. 10010400009238 of

Sri Anup Kumar Shinha and surrendered the cheque o. 008297 dt. 18.12.2008 for Rs. 50 lakhs and cheque no. 008300 dt.14.05.2009 for Rs. 2 crores. But when the petitioner made entries in the bank system for the closure of account no. 10010400009238 of Sri Anup Kumar Sinha, he deliverately did not submit the request in the bank system. He kept the surrendered cheques in his possession and out of 47 cheques, he used 6 cheques in his OD account. Investigation further relealed that out of 47 surrendered cheques, cheque no. 00897 for Rs. 50 lakhs and cheque no. 008300 of Rs. 2 crores were illegally used by Smt. Manorama Devi with forged signature of Sh. Girijesh Prasad Srivastava, the them Director, DDC and Sh. Laxmi Prasad Chauhan, the then DDC to divert the govt funds from the account no. 10010100003770 (SGSY Scheme) and 10010100003736 of DDC into the bank account no. 1001010003002 of SMVSSL, maintained with Bank of Baroda, Bhagalpur.

It is submitted on behalf of the petitioner that he has he was not named in the FIR and his name got transpired during course of investigation. From perusal of the investigation it is apperrant that the maker of entry for fraudulent transfer of fund was Pankaj Mani. Newly recruited officer and chequer of the entry was Sri Nabin Kumar Shah, Branch Manager of Bank of Baroda, Bhagalpur Branch. He further submits that it was Arup Kumar Sinha who surrendered the cheques at the time of closing the account on 29.07.2008. This petitioner, Officer Scale-II, was the maker of the entry and Sri PK Sinha was the chequer for the entry for closing the account of Shri Arup Kumar Sinha, on 29.07.2008. The Maker of the transaction is Sant Kumar Sinha, the then clerk, BoB, Bhagalpur and the checker was Shri Nabin Kumar Shah, Branch Manager, Bob, Bhagalpur. It is submitted that in this case, chargesheet has already been submitted and there is no requirement of any custodial interrogation. During the investigation petitioner cooperated with the investigation and the allegation of tampering with the evidence against the petitioner.

Counsel for the CBI submits that investigation has revealed that during the relevant period, accused petitioner Sujeet Kumar Srivastava, worked as manager Credit in Bank of Baroda, Bhagalpur branch and Nabin Kumar Saha, the then Branch Manager, Bank of Baroda, Bhagalpur branch visided the residence of Smt. Manorama Devi of SMVSSL on regular basis. Investigation has revealed that amount of Rs. 2 crores was transferred fraudulently from the account on. 10010100003736 of DDC (Indira Awas Yojna Samanya) into the account no. 1001010003002 of Srijan Mahila Vikash Sahyog Samiti Limited, maintained with BOB, Bhagalpur on 14.05.2009 by making forged signature of Sh. Girijesh Prasad Srivastava, the then director, DDC and Sh. Laxmi Prasad Chauhan, the then DDC on the cheque no. 008300. Investigation has also revealed that the said cheuqe no. 008300 was from series (008251-008300) which was issued to Mr. Arup Kumar Sinha for his OD account no. 1001040009328 on 14.01.2008. At the time of closing his account on 29.7.2008 Shri Arup Kumar Sinha had surrendered the cheques no.008254 to 008300. But when accused petitioner Sujeet Kumar Srivastava made entries in the bank system for the closure of account no.10010400009238 of Shri Arup Kumar Sinha on 29.7.2008, he deliberately did not submit the request in the bank system. He kept the surrendered cheques in his possession and out of 47 cheques; he used 6 cheques [cheque no.008263 dated 03.01.2009, 008264 dated 06.01.2009, 008266 dated 07.01.2009, 008279 dated 14.2.2009, 008281 dated 19.02.2009 and 008283 dated 23.02.2009] in his OD account. Investigation has also revealed that out of 47 surrendered cheques, cheque no.008297 dated 18.12.2008 for Rs.50,00,000/- and cheque no.008300 dated 14.5.2009 for

Rs.2,00,00,000/- were illegally used by Smt. Manorama Devi with forged signature of Sh. Girijesh Prasad Srivastava, the then Director, DDC and Sh. Laxmi Prasad Chauhan, the then DDC to divert the govt. funds from the account no.10010100003770 (SGSY Scheme) & 10010100003736 of DDC into the bank account no. 1001010003002 of SMVSSL, maintained with Bank of Baroda, Bhagalpur. Investigation has revealed that the said cheques were never issued to the office of DDC as per records of DDC. The CFSL report has confirmed the forged signatures of Sh. Girijesh Prasad Srivastava, the then Director, DDC and Sh. Laxmi Prasad Chauhan, the then DDC on the above said cheques. The deposit slip has been signed by Smt. Sarita Jha of SMVSSL. Accused petitioner Sujeet Kumar Srivastava has played a major role in criminal conspiracy for diversion of govt. funds from the account of DDC to the account of SMVSSL.

It is next submitted that investigation has revealed that during the relevant period, accused petitioner Sujeet Kumar Srivastava, worked as Manager Credit, Bank of Baroda, Bhagalpur Branch and he along with Sant Kumar Sinha, the then clerk, Bank of Baroda, Bhagalpur branch and Nabin Kumar Saha, the then Branch Manager, Bank of Baroda, Bhagalpur branch used to visit the residence of Smt. Manorama Devi of SMVSSL on regular basis. Investigation has revealed that amount of fraudulently Rs.2 crores was the transferred account no.10010100003736 of DDC (Indira Awas Yojna (Samanya) into the account no.1001010003002 of Srijan Mahila Vikash Sahyog Samiti Limited, through cheques which were never issued to the office of DDC by making forged signature of Sh. Girijesh Prasad Srivastava, the then Director, DDC and Sh. Laxmi Prasad Chauhan, the then DDC on the cheque no.008300.

It is lastly submitted that the charge sheet has been filed against accused petitioner based on oral and documentary, evidences investigation. collected It is during the established course during of the investigation that accused petitioner was very much in knowledge about the fraud and diversion of Govt. funds into the accounts of SMVSSL and he actively indulged in the criminal conspiracy hatched amongst accused persons resulting this scam.

After hearing, copy of case diary in three volumes, is returned to Court by CBI counsel.

Considering the rival submission of parties and the fact that charge sheet has already submitted and there is no allegation of tampering with the evidence against the petitioner, in the event of arrest/surrender within six weeks from today, let the petitioner, above named, be released on bail 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, CBI-II, Patna in connection with Special Case No. 04 of 2020, RC no. 7(A) of 2018 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure with following conditions:

1) Petitioner shall cooperate 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.

(Prabhat Kumar Singh, J)

asmit/-

U		T	