IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18624 of 2023

Arising Out of PS. Case No.-14 Year-2018 Thana- C.B.I CASE District- Patna

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Ananda Chandra Ghadai @ Anand Chandra Ghadai Son Of Late Sribatsha Ghadai @Sh. Batsha Ghadai R/O Plot No 1266, Shriram Nagar, Old Town, Ps Lingraj, District Khorda, State- (Odisha) Bhubaneshwar

... ... Petitioner/s

Versus

The Central Bureau Of Investigation , Patna Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mrs. Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioner and learned Sr. counsel appearing for the C.B.I.

2. The petitioner has prayed for bail in connection with RV 14(S)/18 giving rise to Spl. Case No. 09 of 2020 arising out of Kotwali (Bhagalpur) PS Case No. 654 of 2017 for the offence punishable under sections 409 and 420 of the Indian Penal Code and sections 13(2)r/w 13(1)(c) & (d) of the Prevention of Corruption Act.

3. As per allegation in the FIR, petitioner was posted as Branch Manager, Bank of Baroda, Bhagalpur during the period 11.7.2007 to 21.07.2008 and allowed to open an SB A/c No. 10010100009639 on 3.10.2007 in the

name of BDO, Sanhaula in Bhagalpur Branch for disbursement of fund to the beneficiary of the Indira Awas Yojna. He has also allowed illegal credit of account payee cheques issued by DDC, Bhagalpur favoring BDO, Sanhaula. There was some irregularities in the pass-book of the bank account, as the pass-book was blank and did not reflect any transaction. Accordingly, it is alleged that officials of Bank of Baroda including the petitioner in connivance with the officials of Srijan Mahila Vikash Sahyog Samiti Ltd. Sabour, Bhagalpur ('SMVSSL' for short) misused the funds of the above stated government account in fraudulent and conspiratorial manner.

4. Learned counsel for the petitioner submits that merely on suspicion, the petitioner has been implicated in this case with general and omnibus allegations. At the alleged time of occurrence, he was posted in the alleged branch in the capacity of Branch Manager. He was discharging his duty as per the banking norms and on merely doubt and suspicion, he is made accused in the present case. He is not the beneficiary in the entire episode. He is not named in the FIR. From the entire investigation,

the investigating officer has failed to collect any material showing that the petitioner was having prior knowledge of any kind of illegalities of SMVSSL and on mere presumption and suspicion, name of the petitioner has been put in the list of guilty persons. He did not commit any irregularities. CBI has also not brought on the record any evidence to show that petitioner was a beneficiary of the alleged transactions. The cheque in question was passed by petitioner because the same was present for payment by holder in due course and petitioner legally could not have refused to process the payment ot the payee. Moreover, as per para 20 of the charge-sheet an excess amount over and above what had been transferred from the account of BDO Sanhaula to the account of SMVSSL, had been transfer from the account of SMVSSL to the account of BDO, Sanhaula. Thus, there is no question of misappropriate of fund arises in this case. Petitioner is languishing in judicial custody since 28.11.2022.

5. It is submitted by Ms. Nivedita Nirvikar, learned Sr. Counsel that investigation revealed that petitioner was working as Branch Head during the period

11.07.0227 to 21.07.2008. He has allowed opening of SB A/c no. 100110100009639 to BDO, Sanhoula. He has allowed illegal credit of account payee cheques issued by DDC, Bhagalpur favouring BDO, Sanhoula bearing cheque no.s 255903 dt. 24.3.2008 for Rs. 74,25,000/-, Cheque no. 071559 dt. 30.08.2008 for Rs. 16,50,000/-, Cheque no. 071577 dt. 11.5.2008 for Rs. 40,80,000/- cheque no. 07594 dt. 26.5.2008 for Rs. 10,08,000/- cheque no. 0255940 dated 11.07.2008 for Rs. 65,28,000/- to the SB a/c no. SB a/c no. 10010100003002 of SMVSSL, Sabour, Bhagalpur. Petitioner in connivance with other accused has passed high value transfer cheques issued by SMVSSL, Sabour, Bhagalpur favouring BDO, Sanhoula. Learned counsel has also allowed the attention of the Court towards the charge-sheet, specifically paragraphs 21,22,23 and 25 thereof. He submits that the petitioner's role is specifically mentioned in these paragraphs. There are sufficient documentary evidence regarding involvement of the petitioner in the aforesaid scam.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this

court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Spl. Judge CFI-II, Patna in connection with Kotwali (Bhagalpur) P.S. Case No. 654 of 2017.

(Sunil Kumar Panwar, J)

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