

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20723 of 2023

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

ANANDA CHANDRA GHADAI @ ANAND CHANDRA GHADAI Son of
Late Sribatsha Ghadai @ Sh. Batsha Ghadai R/O Plot No. 1266, Shriram
Nagar, Old Town, P.S.- Lingraj, District - Khorda, State - (Odisha)
Bhubaneswar.

... .. Petitioner/s

Versus

CENTRAL BUREAU OF INVESTIGATION (CBI), NEW DELHI New
Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh, Advocate
For the C.B.I.	:	Mr. Avanish Kumar Singh, S.P.P., CBI with Mr. Ambar Narayan, Advocate Ms. Barkha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a
case instituted for the offence under Section 120-B read with
Sections 409, 420, 467, 468 and 471 of the Indian Penal Code
and Section 13(2) read with Section 13(1)(d) of the
Prevention of Corruption Act.

3. The case relates to illegal transfer and misuse of
funds from government bank account in Bhagalpur and
Saharsa in fraudulent and conspiratorial manner. The
petitioner himself presented two account payee cheques



bearing no. 350430 dated 09.02.2007 for an amount of Rs. 2 crores and cheque no. 350443 dated 21.02.2008 for an amount of Rs. 1 crore respectively, in the Bank of Baroda (Bhagalpur branch), where the petitioner was posted as Branch Manager. The handwriting on the deposit slip could not be ascertained, however, the deposit slip bore initial of petitioner. The aforesaid cheques were drawn in favour of DM, Bhagalpur but the same was credited in the account of SMVSSL. Thus, from the conduct of the petitioner, prima facie it appears that he committed white collar unauthorized transaction in the branch, however, from the aforesaid facts, it appears that the petitioner indulged in financial irregularities in conspiracy with other co-accused persons.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the petitioner was posted as Branch Manager in Bank of Baroda at Bhagalpur branch, and he had verified the aforesaid two cheques strictly as per banking norms and on the basis of entries made by other bank officials into the system. The aforesaid act of petitioner was a bonafied act done in good faith and the same has nothing to do with conspiracy or any



other offence as alleged by CBI. CBI has failed to collect any evidence to show conspiracy of petitioner with other co-accused persons. The petitioner is not a beneficiary of the alleged transaction, netither there is any evidence on record to show prior knowledge of any kind of illegalities alleged to have been committed by SMVSSL, however, petitioner has been made an accused in this case only on the basis of presumption and surmises. He submitted that petitioner fully co-operated in the investigation and charge-sheet in this case has already been submitted. Therefore, no purpose would be served by keeping petitioner in judicial custody as there is no need of any custodial interrogation and also there is no chance of tampering with the evidence or absconding of petitioner. He further submitted that the others co-accused have already been granted bail by a Co-ordinate Bench vide order dated 10.12.2021/28.10.2021 passed in Cr. Misc. No. 40045 of 2021/ 35666 of 2021. He is languishing in judicial custody since 18.11.2022.

5. The application for bail is vehemently opposed by learned S.P.P. for the C.B.I.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



period of custody, 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 Court below in connection with C.B.I. Case P.S. Case No. 14 of 2017

(Sunil Kumar Panwar, J)

arish/-

U		T	
---	--	---	--

