IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20280 of 2023

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

==

Shankar Prasad Das @ Sankar Prasad Das, Son Of Late Hariranjan Das Resident Of 147 (174) / 10 / 1 Nsc Netaji Shubhash Chandra (NSC) Bose Road, Flat No. 3b Regent Park, Kolkata, P.S. - Golf Green, West Bengal

... ... Petitioner/s

Versus

Central Bureau of Investigation (CBI), New Delhi

... ... Opposite Party/s

==

Appearance :
For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
For the Opposite Party/s : Mr. Nivedita Nirvikar, Sr, Advocate

==

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-07-2023 Heard learned counsel for the petitioner and learned counsel for the C.B.I.

2. In the present case, the petitioner seeks bail in connection with Special Case No. 12 of 2020 arising out of Kotwali (Bhagalpur) P.S. Case No. 505 of 2017 registered for the alleged offences under Section 120-B read with Sections 409, 420, 467, 468 and 471 of the Indian Penal Code and Section 13(2), 13(1)(d) of the Prevention of Corruption Act, 1988.

3. As per prosecution case, the petitioner and other co-accused persons acting under a conspiracy diverted huge amount of Government funds in the account of Srijan Mahila

Vikas Sahyog Samiti Limiter (SMVSSL), an NGO. The diversion was effected by depositing cheques and drafts intended for Government account to the account of SMVSSL. During the relevant time it was the petitioner, a branch manager of a bank, who is stated to have conspired with other co-accused persons and there is further allegation is that the petitioner taking advantage of his position as Branch Manager of Bank of Baroda facilitated the transfer in illegal manner. There is further allegation is that he himself verified some of the cheques which were used to divert the funds from the account of District Magistrate to the account of SMVSSL. In this way Rs. 17,96,24,434/-, Rs. 17,29,17,811/- Rs. 5,62,91,339/-, Rs. 6,14,63,000/- and Rs. 20,00,00,000/- were thus unauthorizedly transferred from the Government account of District Magistrate to the account of SMVSSL.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Allegation against the petitioner is general, vague and omnibus and it is without any supporting material. Learned counsel further submits that allegation against the petitioner is that he pressurized his subordinates but none of the subordinate officers have made any complaint at any point

of time to their superior officers regarding such pressure. Learned counsel further submits that even the subordinate officers who were maker and checker of the demand drafts said to be used in transaction of unauthorized transfer were not made accused in the present case. Learned counsel further submits that petitioner is not a beneficiary in the entire episode and the investigating agency has not found any illegal gratification in favour of the petitioner or any disproportionate asset belonging to the petitioner. The petitioner is in custody since 14.11.2022 and charge sheet has been submitted. A number of co-accused persons have been granted bail vide order dated 10.12.2021 passed in Cr. Misc. No. 40045 of 2021, order dated 28.10.2021 passed in Cr. Misc. No. 35666 of 2021, order dated 17.01.2022 passed in Cr. Misc. No. 17456 of 2021, order dated 16.12.2021 passed in Cr. Misc. No. 41898 of 2021, order dated 30.03.2022 passed in Cr. Misc. No. 50472 of 2021, order dated 06.02.2023 passed in Cr. Misc. No. 30422 of 2022 order dated 27.08.2021 passed in Cr. Misc. No. 13523 of 2021 and order dated 07.09.2021 passed in Cr. Misc. No. 6093 of 2021.

5. Learned senior counsel appearing on behalf of the C.B.I. vehemently opposes the prayer for bail. Learned senior counsel submits that there is acting involvement of this

petitioner who was a co-conspirator with other co-accused persons and this petitioner himself acted as a verifier of the cheque amounting to Rs. 10 crores which was transferred into the account of SMVSSL apart from pressurizing his subordinates and was involved in transfer of huge amount from the Government account to the account of SMVSSL.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet and also considering the grant of bail to other similarly placed co-accused persons, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-II, Patna/concerned court in connection with Special Case No. 12 of 2020 arising out of Kotwali (Bhagalpur) P.S. Case No. 505 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	