IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22284 of 2022

Arising Out of PS. Case No.-9 Year-2018 Thana- C.B.I CASE District- Patna

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Satish Kumar Jha, S/o Late Kameshwar Jha, Resident of Flat No. 101, Block-A, Aungbihar Apartment, Rani Talab, Sabaur Road, Bhagalpur, P.O. Fatehpur, P.S. - Zeromile, Bhagalpur, District- Bhagalpur.

... ... Petitioner/s

Versus

The Central Bureau of Investigation (CBI) ACB, Patna Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S. D. Sanjay, Sr. Advocate Ms. Priya Gupta, Advocate Mr. Shashank Shekhar Jha, Advocate Mr. Rahul Kumar, Advocate
For the CBI	:	Ms. Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

9 03-04-2023 Heard the parties.

Petitioner apprehends arrest in a case registered for the offences punishable under Sections 120B, 409, 420, 467, 468 and 471 IPC and Section 13(2) r/w section 13(i)(c) & (d) of the Prevention of Corruption (P.C.) Act, 1988.

This case arises from infamous Srijan Scam. The petitioner in connivance with office bearers of Srijan Mahila Vikas Sahyog Samiti Limited (hereinafter for the sake of brevity referred to as 'SMVSSL') and others is said to have fraudulently misappropriated the Government money. It is further alleged in the F.I.R. that Account No. CA/99 was opened in the year 2002

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in Banka Branch of the Bhagalpur Central Co-operative Bank Ltd (BCCBL) in the name of District Land Acquisition Officer (DLAO), Banka and amounts of Rs. 2,00,00,000/- vide Cheque No. 91801 dated 14.04.2009; Rs. 2,00,00,000/- vide Cheque No. 91802 dated 10.06.2009; Rs. 1,50,00,000/- vide Cheque No. 91804 dated 18.07.2009 and Rs. 1,50,00,000/- vide Cheque No. 91805 dated 14.08.2009 were fraudulently withdrawn from this account by Smt. Jayshree Thakur, the then DLAO, Banka. It is further alleged that cheque series starting from 91801 is not mentioned in the cheque issue register being maintained in the office of DLAO, Banka. It is further alleged that in Bank Record, cheque book starting from 91801 was issued in the name of DLAO, Banka, but there is no signature of recipient of the cheque book issue register. It is further alleged that cheque No. 96269 dated 17.03.2010 for an amount of Rs. 5,00,00,000/- issued by Smt. Jayshree Thakur, the then DLAO, Banka, in the name of District Land Acquisition Officer has been fraudulently transferred in the accout of SMVSSL, Sabour, Bhagalpur instead of the account of DLAO, Banka. It is further alleged that unknown officials/SMVSSL, Sabour, Bhagalpur during the period from 04.11.2009 to 24.10.2011 transferred back total

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amount of Rs. 6,00,00,000/- on nine different occasions in the account No. CA/99 of DLAO, Banka, being maintained with the Bhagalpur Central Co-operative Bank Ltd., Banka Branch.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and has been falsely implicated in this case. Petitioner has got six criminal antecedents, as stated in para-3 of the bail application. It is submitted that no specific allegation has been found against the petitioner. He is not said to be beneficiary in the entire happenings as during the course of investigation, not a single penny has been seized/recovered from the account of the petitioner or from any other source. There is no specific involvement of the petitioner in defalcation of public fund and petitioner is only alleged to have filled up deposit slip of the back transaction. In this case, charge-sheet has already been submitted. During investigation, the petitioner has co-operated and he was not arrested during the investigation, therefore, no custodial interrogation is required in the present case. This case is based on the documentary evidence and all the document was seized by the C.B.I. and there is no allegation against the petitioner to tamper the witness. Some of the co-accused in

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connection with the Srijan Scam cases have been granted anticipatory bail by co-ordinate Bench.

Learned counsel for the C.B.I. opposes the bail application and submits that the case is related to illegal transfer and misuse of funds from Government bank accounts in Bhagalpur, Bihar. The investigation further revealed that the petitioner fraudulently filled deposit slips of Bank of Baroda dated 16.04.2009 and 15.06.2009, deposit slip of Indian Bank dated 20.07.2009 and deposit slip of BCCCBL dated 14.08.2009 pertaining to deposits of several cheques and thus, misappropriating the Government money. She next submits that petitioner is one of the main conspirators in the Srijan Scam Case and visited the office of SMVSSL on regular basis. She further submits that petitioner was well aware of fraudulent diversion of government fund from the account No. CA/99 of DLAO, Banka, and to avoid dishonour of cheques issued by DLAO, he fraudulently prepared cheques and made endorsement at the back side of the cheques. Lastly, she submits that the accused petitioner has been charge-sheeted in the case on the basis of sound oral and documentary evidence and during course of investigation, petitioner was very much in knowledge

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of the fraud and diversion of government funds into the accounts of SMVSSL.

Considering the rival submissions of the parties, materials available on record and the fact that charge-sheet has been submitted and there is no allegation of tampering with the evidence, let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge CBI-II, Patna in connection with Special Case No. 02 of 2019, RC No-09/A/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also the following conditions:-

(i) Petitioner shall co-operate into trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the trial court.

(ii) If the petitioner is found tampering with the evidence or the witnesses in this case, the prosecution will be at

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liberty to move for cancellation of bail.

(iii) The petitioner shall surrender his Indian Passport before the trial court, if he is in possession of the same and without the permission of the trial court, he will not leave the State.

(Prabhat Kumar Singh, J)

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