IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25062 of 2022

Arising Out of PS. Case No.-12 Year-2017 Thana- C.B.I CASE District- Patna

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Naluparayil Varghese Raju @ N.V. Raju @ Naluparayil Anand Varghese Raju S/O Anand Senpati Resident Of Mohalla- Jogsat, Chandi Prasad Lane, P.S.- Kotwali, District- Bhagalpur.

... ... Petitioner/s

Versus

The State Of Bihar rhrough S.P, C.B.I. Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Adv

For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. Adv

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

15 25-07-2023 Heard learned counsel for the petitioner and learned senior counsel appearing on behalf of the Central Bureau of Investigation.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 120(B), 409, 420, 467, 468, 471 of the Indian Penal Code and Sections 3(2) read with 13(1)(C) and (d) of the Prevention of Corruption Act, 1988.

The matter relates to infamous *Srijan* scam which attracted the eyes of public at large in which crores and crores of government money was siphoned off and it was deposited in the account of *Srijan Mahila Vikash Sahyog Samiti* Limited (hereinafter referred to as SMVSSL), Bhagalpur. It is alleged against the petitioner that he has filled four cheques in his handwriting which bears forge signature of the then District Magistrate, Bhagalpur and these cheques were used in fraudulent transfer of Rs. 15.5 crores from the account of District Magistrate, Bhagalpur into the account of *Srijan Mahila Vikash Sahyog Samiti* Limited (hereinafter referred to as SMVSSL). The petitioner was proprietor of M/s Kalinga Sales, a private person and he was not associated with the District Magistrate, Bhagalpur in any way. It is also alleged that this petitioner had received around Rs. 1 crore from the account of Sri. Sant Kumar Sinha, the then Clerk, Bank of Baroda, Bhagalpur who is one of the co-accused in the criminal conspiracy of diversion of government funds.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is only alleged to have filled the cheques in his hand writing which were bearing the forged signature of the then District Magistrate, Bhagalpur, but it has not come during investigation that forged signatures of the District Magistrate were in the hand-writing of the petitioner. During investigation, it has also not come that petitioner has received any amount from any government fund. The petitioner is neither bank employee nor a government employee, therefore, the ingredients of many sections of the Indian Penal Code and the Prevention of Corruption Act shall not be attracted in the case of the petitioner. No cogent material evidence has come during investigation to connect the petitioner with the bank official or officials of S.M.V.S.S.L who were involved in siphoning-off the government funds. The petitioner is languishing in custody since 24.02.2022. Moreover, co-accused Sant Kumar Sinha has been granted bail by a coordinate Bench of this Court vide order dated 12.01.2022 passed in Cr. Misc. No. 46861 of 2021.

In contra, learned senior counsel appearing on behalf of the Central Bureau of Investigation has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner has filled four cheques in his handwriting bearing forged signature of District Magistrate, Bhagalpur and which were used in fraudulent transfer of Rs. 15.5 crores from the account of District Magistrate, Bhagalpur into the account of S.M.V.S.S.L. During investigation, it came to light that petitioner was proprietor of M/s Kalinga Sales and has received money in the account of M/s Kalinga Sales from the account of S.M.V.S.S.L. The petitioner has also received Rs. 1 crore from the account of co-accused Sant Kumar Sinha, the then Clerk, Bank of Baroda, Bhagalpur who is co-accused in the criminal conspiracy of diversion of government funds. The petitioner, therefore played a major and active role in the misappropriate and diversion of huge government funds from the government accounts to the accounts of S.M.V.S.S.L.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of bail to the petitioner. The prayer for grant of bail to the petitioner is rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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