

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26335 of 2023

Arising Out of PS. Case No.-4 Year-2021 Thana- C.B.I CASE - TR District- Patna

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Sant Kumar Sinha Son Of Late Anil Chandra Sinha Resident Of Village-
Indraprastha Colony, Lichi Bagan, Ishakchak, Ps- Ishakchak, Distt- Bhagalpur

... .. Petitioner/s

Versus

Central Bureau Of Investigation Through Its Superintendent Of Police, Patna
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the C.B.I. : Mr.Sourendra Pandey, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard Mr. Ashok Kumar Singh, learned counsel for

the petitioner and Mr. Sourendra Pandey, the learned counsel

appearing on behalf of the Central Bureau of Investigation.

2. The petitioner seeks bail, who is in custody since
20.03.2023 in connection with Spl. Case No.08 of 2021
arising out of RC Case No.04(A) of 2021, F.I.R. dated
31.03.2021 registered for the offence punishable under
Sections 13(2)/13(1)(b) of Prevention of Corruption Act,
1988.

3. The prosecution case, in short, is that this case
has been registered on the basis of written report of informant
to S.P., CBI, ACB, Patna. It transpires that petitioner, the then
clerk, Bank of Baroda, Bhagalpur Branch has acquired and



was found in possession of assets disproportionate of his income from all known sources during the period of March-2010 to December 2015. As per the information movable asset of Sant Kumar Sinha was Rs.12.10 lakhs on 01.03.2010. During the period of March-2010 to December 2015, Sant Kumar Sinha acquired movable and immovable assets, in his name and in the name of his family at various places. He acquired immovable assets of Rs.48 lakhs. The movable assets in the form of bank balance, rose of Rs.231.20 lakhs. In total the immovable and movable assets of Sant Kumar Sinha were of worth Rs.279.20 lakhs on 31.12.2015. The net assets acquired during the check period is Rs.267.10 lakhs, which is 433.19% more than his earning, which is disproportionate to his earning.

4. Learned counsel appearing for the petitioner submits that prior to the Srijan Scam, petitioner was a person of clean antecedent and after the Scam, surfaced the petitioner came to be implicated in altogether 19 other cases including the present. Learned counsel for the petitioner submits that the allegation as alleged in the present FIR and the material contained in the present case, three other cases i.e. Special Case No.08 of 2019, Special Case No.09 of 2019 and Special



Case No. 12 of 2020 have been lodged by the CBI much earlier and the petitioner has been granted bail in all the aforesaid three cases by the Hon'ble Patna High Court. Further submits that the allegation made in the present case one another case i.e. Special Case No.05 of 2021 has been lodged by the Enforcement Directorate in which two immovable properties i.e. Flat No.306, Krishna Dham Apartment, Bhagalpur and Flat No.104, Gardenia Glamour Phase-II, Ghaziabad have permanently been attached. Allegedly, both the flats were booked in the name of the wife of the petitioner. Learned counsel for the petitioner next submits that the petitioner had joined in Bank of Baroda, Mokama Branch in July, 1982 and on completion of his service retired from the post of Clerk from the Bank of Baroda on 31.12.2015. During course of whole service, no allegation was levelled against the petitioner and after his retirement, the CBI has filed the false and fabricated cases against the petitioner and as per present FIR, the petitioner and his wife for possession of D.A. to a tune of Rs. 2,65,86,339/- during the check period from 01.03.2010 to 31.12.2015 (date of retirement of the petitioner) which is beyond his known source of income and stated therein that



there are enough oral and documentary evidences on record to prove that during the check period, disproportionate assets have been computed as Rs. 267.10 lakhs (Total net assets) -Rs.41.90 lakhs (likely saving) =Rs.225.20 lakhs which is approximately 433.91% of the excess of net income, which is disproportionate to his known sources of the income.

5. Learned counsel for the petitioner submits that one of the co-accused of RC2172017A0015 dated 25.08.2019 one Pankaj Kumar Jha has moved before the Hon'ble Supreme Court of India, New Delhi for grant of regular bail in Criminal Appeal No.484/2020 arising out of SLP (Criminal) No.1530/2020 and after hearing the parties the Hon'ble Supreme Court of India, New Delhi considered the case of the petitioner on the facts that "since the charge sheet has been submitted and investigation is complete further custody of the accused may not be necessary" and the Hon'ble Supreme Court of India, New Delhi after hearing the parties has been pleased to grant bail to the accused namely, Pankaj Kumar Jha vide order dated 17.07.2020. He further submits that some of the similarly situated co-accused has been granted bail in Cr. Misc. No.8635 of 2021 (Pradyut Kumar Biswas @ P.K. Biswas Vs. The State of Bihar), Cr. Misc. No.35068 of 2021



(Barun Kumar Vs. The CBI), Cr. Misc. No.33112 of 2021 (Deo Shankar Mishra Vs. The State of Bihar & Anr), Cr. Misc. No.35301 of 2021 (Sarita Jha Vs. The CBI), Cr. Misc. No.18953 of 2021 (Ram Krishna Jha @ R.K. Jha Vs. CBI), Cr. Misc. No.44285 of 2021 (Ajay Kumar Pandey Vs. The CBI), Cr. Misc. No. 46331 of 2021 (Sant Kumar Sinha Vs. The CBI), Cr. Misc. No.61760 of 2021 (Navin Kumar Saha @ Nabin Kumar Saha Vs. The CBI), Cr. Misc. No.46486 of 2021 (Tapan Kumar Roy @ Tapan Roy Vs. The State of Bihar) (Anticipatory Bail) and after hearing the respondents this Hon'ble Court granted bail to these petitioners by orders dated 13.08.2021, 04.10.2021, 01.12.2021, 03.12.2021, 18.01.2022, 19.01.2022, 03.03.2022, 11.08.2022, 19.09.2022 respectively.

6. Further submits that the petitioner has been granted bail in 17 cases as mentioned in para-3 of the bail petition and allegation as alleged in the present FIR is similar to the other three cases i.e. Special Case No.08 of 2019, Special Case No.09 of 2019 and Special Case No. 12 of 2020 and the petitioner had surrendered in the Special Case No.04 of 2018 on 11.09.2019 and he was remanded in the present case on 20.03.2023.



7. Learned counsel for the CBI, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 19 cases including the present and it has come during investigation that the petitioner was involved in all the aforesaid cases and during the check period it was found that Rs. Rs.225.20 lakhs which is disproportionate to his known sources of the income was found during course of investigation but fairly submits that for almost similar offence, the CBI had already filed number of cases against the petitioner.

8. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-I, Patna in connection with Spl. Case No.08 of 2021 arising out of RC Case No.04(A) of 2021, with the following conditions:-

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



by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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