

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29537 of 2023

Arising Out of PS. Case No.-16 Year-2017 Thana- C.B.I CASE District- Patna

Md. Naiyer Alam Son Of Late Basiuddin Resident Of 8 Subhash Path Chak
Kishanganj Ps Kishanganj Distt Kishanganj Bihar

... .. Petitioner/S

Versus

The Union Of India Through The Central Bureau Investigation Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate Mr. Aditya Pandey, Advocate Mr. Zainab Khan, Advocate
For the C.B.I.	:	Mrs. Nivedita Nirvikar, Advocate Mr. Arya Achint, Advocate
For the Bank of Baroda	:	Mr. Sanjeev Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of C.B.I.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Bhagalpur Kotwali P.S. Case No. 512 of 2017 registered for the
offence under Sections 409, 420, 467, 468, 471, 120-B of the
Indian Penal Code give rise to R.C. Case No. 16(A) of 2017
corresponding to Special Case No. 03 of 2020 in which C.B.I. has
submitted charge-sheet under Sections 120-B, 409, 420, 467, 468,
471 and 477-A and of the Indian Penal Code and under
Section 13(2) read with Sections 13(1)(c) and (d) of the Prevention
of Corruption Act, 1988.



4. The accused/petitioner is named in the F.I.R. and is in custody since 22.02.2023.

5. The allegation against the petitioner is to give instructions to diverse an amount of Rs. 6,00,00,000/- (Rupees Six Crore only) in the account of Srijan Mahila Vikas Sahyog Samiti Ltd. (SMVSSL), Bhagalpur from the account of District Welfare Office, while employed in Bank of Baroda, Bhagalpur alongwith other un-named co-accused persons.

6. Learned counsel, Mr. Anshul, while appearing on behalf of the petitioner submitted that name of petitioner was figured at 16.1, 16.2 and 16.3 of the charge-sheet, which was submitted on 07.11.2020 vide charge-sheet no. 14/2019 dated 30.12.2019. It is submitted that the alleged transactions were verified by the other officials of Bank and officers credited it into the bank account of SMVSSL Srijan to the tune of aforesaid rupees. It is submitted that the high value government cheque was never received through normal procedure of Drop Box but were brought to the branch by Md. Sarfaraj Uddin (scale-III) manager, posted since 2014 and Atul Raman, also a manager. It is submitted that it was Mini Kumari, Clerk, Bhagalpur, who processed cheque no. 333574 dated 08.11.2016 for Rs. 6,00,00,000/- (Rupees Six Crore only) and it was Miss Sweta Kumari, officer of Bank of Baroda, Bhagalpur, who verified the transaction for credit of



Cheque no. 333574 into the bank account of SMVSSL. It is submitted that petitioner implicated in this case only for the reason that he gives instruction to credit the aforesaid cheque in the account of SMVSSL but no document bears his signature and, as such, there is nothing to show that he was in touch with officials of SMVSSL. It is submitted that the Srijan Scam was going on much prior to joining of the petitioner in Bank of Baroda, Bhagalpur and the whole set up was being lodged by the old staffs. It is further submitted that petitioner was not entrusted with any properties nor dishonestly misappropriate any amount for his own use in violation of any law. It is submitted that petitioner not appears any beneficiary out of alleged transactions. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases arises from similar transactions and moreover, investigation of this case has been complete for which charge sheet has been submitted and as such, there is no chance of tempering with evidence.

7. Learned senior counsel, Mrs. Nivedita Nirvikar appearing on behalf of the C.B.I., while opposing the prayer of bail submitted that the petitioner being manager of Bank of Baroda in collusion with officer bearers of Srijan Mahila Vikas Sahyog Samiti Ltd. dishonestly misappropriate the amount of District Welfare Office. Learned senior counsel further submitted that the



economic offences like the present have deep rooted conspiracy and involvement as such caused huge loss of public funds which to be viewed seriously and while submitting so learned senior counsel of C.B.I. relied upon the report of Hon'ble Supreme Court in the case of *Nimmagadda Prasad Vs. Central Bureau of Investigation* reported in (2013) 7 SCC 466. While concluding the argument it has been fairly conceded by learned senior counsel that investigation of this case has been completed, charge-sheet submitted and it appears that there is no further custodial requirement of petitioner in this case.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as petitioner not appearing any beneficiary, where maximum allegation appears regarding dereliction of duty while verifying the signature of drawee of the cheques, which too based upon reporting of other bank officers, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 22.02.2023, accordingly, the petitioner, above named, is directed to be released on bail in connection with Bhagalpur Kotwali P.S. Case No. 512 of 2017; Special Case No. 03 of 2020 arising out of R.C. Case No. 16(A) of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna/concerned



Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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