

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28986 of 2022

Arising Out of PS. Case No.-11 Year-2017 Thana- C.B.I CASE District- Patna

Naluparayil Anand Varghese Alias Naluparayil Varghese Raju Alias N.V. Raju
Son of Anand Senapati Resident of Jogsar Chandi Pd. Lane, Police Station-
Kotwali, District-Bhagalpur.

... .. Petitioner/s

Versus

Central Bureau Of Investigation (C.B.I.), New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Adv
For the Opposite Party/s : Ms. Nivedita Nirvikar, Sr. Adv
Ms. Richa, Adv
Mr. Sujeet Prakash, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 10-01-2023 Heard learned counsel for the petitioner and learned Senior
counsel representing Central Bureau of Investigation (C.B.I).

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Spl. Case No. 05 of
2020 arising out of R.C. Case No. 11(A)/2017 registered under
Sections 120(B) read with Sections 406, 420, 467, 468, 471 & 474 of
the Indian Penal Code and Section 13(2) read with Section 13(1)(c)
& 13(1)(d) of Prevention of Corruption Act, 1988.

The instant bail application arises out of criminal prosecution
commonly known as the "Srijan Scam" wherein government's fund
has illegally been allegedly transferred to the accounts of Srijan
Mahila Vikas Sahyog Samiti Ltd (SMVSSL), Bhagalpur. As a result
of fraudulent transfers, the funds of District Urban Development
Authority have been misused by preparing forged bank vouchers



during the period 2014 to 2016. Against the petitioner, it has surfaced in the course of investigation that three cheques bearing Nos. 656865 dated 29.08.2016, 656866 dated 29.08.2016 and 656872 dated 5.09.2016, which were used for transfer of funds to the tune of Rs. three crores, one crore and 1.5 crores respectively, were containing the handwriting of the petitioner.

It is submitted by learned counsel for the petitioner that it is these three cheques which allegedly have been processed by co-accused Bishwanath Dutta, who has since been allowed bail by this Court in Cr. Misc. No. 10484 of 2022. Petitioner is neither the employee of bank nor SMVSSL. His implication is allegedly on account of suspicion arising out of his proximity with one of the accused persons in the "*Scam*".

Learned senior counsel for the Central Bureau Investigation has duly opposed the prayer for bail alleging that petitioner's active participation in the conspiracy, leading to siphoning off government's funds, has emerged in the course of investigation. His handwriting has been found, by the report of the Central Forensic Science Laboratory, in three cheques referred to in the second chargesheet, which has been taken note of above. It is not in dispute that petitioner is neither employee of the Bank, or SMVSSL.

Considering the submissions advanced on behalf of the parties, the nature of allegations against the petitioner as also the fact that co-accused Bishwanath Dutta, a bank official who is said to have



processed the cheques, has been allowed bail, this Court is inclined to consider the petitioner's prayer for the purposes of grant of bail.

This Court would also consider petitioner's custody since 24.03.2022 and there is no allegation that he has not cooperated with the investigation. This Court is thus inclined to allow the prayer. The petitioner shall continue to be represented and cooperate with the investigation.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II Patna in Spl. Case No. 05 of 2020 arising out of R.C. Case No. 11(A)/2017, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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