IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29041 of 2022

Arising Out of PS. Case No.-7 Year-2018 Thana- C.B.I CASE District- Patna

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Dinkar Tigga S/o Late Abnezar Tigga R/o village- Patel Nagar Road No. 01, Hesag, Near Vasundhara Apartment, Hatia, P.S.- Jagarnathpur, District-Ranchi (Jharkhand)

... ... Petitioner/s

Versus

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

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 28957 of 2022

Arising Out of PS. Case No.-7 Year-2018 Thana- C.B.I CASE District- Patna

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Naluparayil Anand Varghess @ N.V. Raju Son of Sri Anand Senapati Resident of Mohalla - Jogsar, Chandi Prasad Lane, P.S.- Adampur, Dist.-Bhagalpur.

... ... Petitioner/s

Versus

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

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30227 of 2022

Arising Out of PS. Case No.-7 Year-2018 Thana- C.B.I CASE District- Patna

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Harekrishna Adak S/O Late Abinash Chandra Adak R/o Village- Jatimati, P.O. New Township Digha, P.S.- Digha, Distt- Purb Medinipur, West Bengal-711301.

... ... Petitioner/s

Versus

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

... ... Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 29041 of 2022)

For the Petitioner	:	Mr. Uday Pratap Singh Mr. Rajesh Kumar, Advocates
For the CBI	:	Mrs. Nivedita Nirvikar, Sr. Advocate

(In CRIMINAL MISCELLANEOUS No. 28957 of 2022)

For the Petitioner	:	Mr. Uday Pratap Singh Mr. Rajesh Kumar, Advocates
For the CBI	:	Mrs. Nivedita Nirvikar, Sr. Advocate
(In CRIMINAL MISCELLANEOUS No. 30227 of 2022)		
For the Petitioner	:	Mr. Uday Pratap Singh Mr. Rajesh Kumar, Advocates
For the CBI	:	Mrs. Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

CAV ORDER

11 02-03-2023 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Uday Pratap Singh, learned counsel for the petitioners and Mrs. Nivedita Nirvikar, Sr. Advocate, learned counsel appearing on behalf of the CBI.

Petitioners seek bail in a case registered for the offences punishable under Sections 120B read with Sections 409, 420, 467, 468, 471 of the Indian Penal Code as well as Sections 13(2) read with Section 13(1) (c) & (d) of the Prevention of Corruption Act, 1988 in connection with RC 07/(A)/2018 giving rise to Special Case No. 04/2020 arising out of Kotwali (Bhagalpur) P.S. Case No. 545 of 2017.

The brief facts of this case is that this case is one of the cases in Srijan Scam at Bhagalpur registered on the basis of a complaint dated 22.08.2017 from Shri Apoorva Kumar madhukar, Zila Kalyan Padhadhikari, Bhagalpur, Bihar as an F.I.R. No. 545 of 2017 dated 22.08.2017 by Kotwali Police

Station of Bhagalpur against the Branch Manager of BOB; Indian Bank, Bhagalpur and office bearers of Srijan Mahila Vikas Sahyog Samity Ltd (For short, "SMVSSL"). The case pertains to misappropriate of funds of DDC, Bhagalpur (District Rural Development Agency (DRDA), Bhagalpur). It is alleged that 36 POs/DDS issued in the favour of DDC were diverted in the account of Srijan in both Banks (Bank of Baroda/Indian Bank, Bhagalpur) by the Bank Officials (DDS/POs diverted amounting to Rs. 23.74 Crores). 26 instances of unauthorized withdrawals from the account of DDC in both Banks (3 instances in BOB and 23 instances in Indian Bank). The cheques used for withdrawals were not issued for the accounts of DDC/DRDA. Bank officials used surrendered cheques, other than the cheque series issued for DDC account. The amounts withdrawn from DDC accounts in both Banks were deposited/and transferred in the acount of Srijan on various dates. (The unauthorized withdrawals amount to Rs. 52 Crores). 168, instances of unauthorized deposits made in the account of DDC from the account of Srijan in both Banks, so that the cheques issued by DDC would not be dishonored i.e. to hide the conspiracy/to cover up frauds. (The unauthorized deposits amount to Rs. 80.40 Crores).

Learned counsel for the petitioners submit that the petitioners have clean antecedents but after coming to light of the present Srijan Scam, the petitioner, namely, Dinkar Tigga (Cr. Misc. No. 29041 of 2022) has been chargesheeted in three more cases, the petitioner namely, Naluparayil Anand Varghees @ N.V. Raju (Cr. Misc. No. 28957 of 2022) has been chargesheeted in seven more cases as well as the petitioner namely, Harekrishna Adak (Cr. Misc. No. 30227 of 2022) has been chargesheeted in eight more cases. Learned counsel for the petitioners submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during course of investigation and after investigation Central Bureau of Investigation has submitted chargesheet against 27 accused persons including the petitioners on 30.12.2019 under Sections 120B, 409, 420, 467, 468 and 471 of the Indian Penal Code and Sections 13(2) read with 13(1)(c) & 13(1)(d) of the Prevention of Corruption Act, 1988. Learned counsel for the petitioners submits that during investigation the name of the petitioner (Dinkar Tigga) mentioned as Accused No. 13 in the chargesheet stating therein that the petitioner was the

Assistant Manager of Indian Bank, Bhagalpur between the period 01.01.2007 to 07.11.2009 and he was worked as "checker" of Bank by which four cheques, amounting to Rs 6 Crores was checked by him and the amount has been transferred in the account of DDC, Bhagalpur from the account of SMVSSL, Sabour, Bhagalpur. Learned counsel for the petitioners further submits that the petitioner namely Naluparayil Varghees @ N.V. Raju (Cr. Misc. No. 28957 of 2022) mentioned as Accused No. 4 in the chargesheet stating therein that the petitioner was a Private person (he used to run a firm in the name of M/s Kalinga Sales Pvt. Ltd.) and the petitioner namely, Harekrishna Adak (Cr. Misc. No. 30227 of 2022) mentioned as Accused No. 14 in the chargesheet stating therein that the petitioner was an Assistant Manager of Indian Bank, Bhagalpur and he discharged his duties and under which due to his latches Rs. 34 Crores have been transferred in the Bank account of SMVSSL from the Bank account of DDC and further an amount of Rs. 36.33 Crores have been transferred from the account of SMVSSL to the account of DDC. Learned counsel for the petitioners further submits that it appears from the chargesheet, it transpires that the same is not the case of defalcation/embezzlement of public fund rather the same was transferred to one account to another account. Learned counsel for the petitioner namely Dinkar Tigga submits that at best the petitioner to be guilty by labelling him as the conspirator because of passing of four cheques in question and hence there is no case of financial embezzlement against the petitioner. Learned counsel for the petitioner, namely Naluparayil Anand Varghees @ N.V. Raju, submits that on 05.01.2009 and 28.05.2010 an amount of Rs. 30 lakhs had been transferred from different account of Srijan to the account of his firm and also he has filed 18 cheques by which some amount in question had illegally been withdrawn from the account of DDC and hence there is no case of financial embezzlement against the petitioner. Learned counsel for the petitioner namely Harekrishna Adak submits that he has checked some cheques as a checker of the Bank in question and hence there is no case of financial embezzlement against the petitioner. Learned counsel for the petitioners further submits that it has come during investigation that the petitioners were not a beneficiary of the amount in question and the present case is based on documentary evidence and the same has already been seized by the Central Bureau of

Investigation and therefore, there is no chacne at all that the petitioners will tamper or destroy the evidences or influence the witnesses of the cases.

Learned counsel for the petitioners further submits that the Hon'ble Apex Court has allowed the prayer of bail of one of co-accused namely, Pankaj Kumar Jha in the present Srijan scam, in Cr. Appeal No. 484 of 2020, holding that since investigation is complete, in that sense further custody of the accused/appellant may not be necessary in the same case. Learned counsel for the petitioners further submits that co-accused person namely Pradyut Kumar Biswas @ P.K. Biswas @ Vishwas has been granted bail by a Coordinate Bench of this Court vide order dated 13.08.2021 passed in Cr. Misc. No. 8635 of 2021, another co-accused person namely Amrendra Kumar Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 26.08.2021 passed in Cr. Misc. No. 24846 of 2021, another co-accused person namely Ram Krishna Jha @ R.K. Jha has been granted bail by a Coordinate Bench of this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 18953 of 2021, another co-accused person namely Deo Shankar Mishra has been granted bail by a Coordinate Bench of this

Court vide order dated 01.12.2021 passed in Cr. Misc. No. 3312 of 2021, another co-accused person namely Sarita Jha has been granted bail by a Coordinate Bench of this Court vide order dated 03.12.2021 passed in Cr. Misc. No. 35301 of 2021 respectively and the case of the petitioners stands on similar footing. Learned counsel for the petitioners further submits that after investigation police has submitted chargesheet against the petitioners. Learned counsel for the petitioners namely Dinkar Tigga and Harekrishna Adak themselves surrendered before the Court below on 04.03.2022 and were remanded in the present case on 10.03.2022 as well as the petitioner namely Naluparayil Anand Varghees @ N.V. Raju is behind the bar since 24.02.2022 in connection with the same Srijan and was remanded in the present case on 23.03.2022.

Learned counsel appearing for the Central Bureau of Investigation has opposed the prayer for bail of the petitioners and submits that during investigation it has come that the petitioners were involved in the present occurrence and there is sufficient documentary evidence against the petitioners and also referring to the paragraph nos. 10, 12 and 15 of the counter affidavit (in Cr. Misc. No.

29041 of 2022), referring to paragraph nos. 6, 10, 11, 14, 15 and 16 of the counter affidavit (in Cr. Misc. No. 28957 of 2022) as well as referring to paragraph nos. 4, 9, 10 and 11 of the counter affidavit (in Cr. Misc. No. 30227 of 2022).

Considering the facts and circumstances of the case, charges have already been framed against the petitioners and similarly situated co-accused persons have been granted bail, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge C.B.I-II, Patna in connection with RC 07/(A)/2018 giving rise to Special Case No. 04/2020 arising out of Kotwali (Bhagalpur) P.S. Case No. 545 of 2017, with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or

the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(4) If the petitioners possess Indian Passport, the same will surrender at the time of furnishing bail bonds.

(Rajesh Kumar Verma, J)

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