IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34648 of 2023

Arising Out of PS. Case No.-10 Year-2018 Thana- C.B.I CASE District- Patna

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Umesh Singh Son Of Late Baleshwar Singh R/O- Shanti Nagar Dvc Road Ps- Sabour Dist- Bhagalpur

... ... Petitioner/s

Versus

The Central Bureau of Investigation (CBI), New Delhi

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Ms. Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

4 11-10-2023 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the C.B.I.

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

As per the allegation, Rs. 16,50,000,00/- was fraudulently transferred from the account of District Magistrate, Bhagalpur in Indian Bank over the period from 31.01.2007 to 28.02.2008 and Rs. 16,94,23,540/- was illegally deposited in this account from the account of Srijan Mahila Vikash Sahyog Samiti Limited (in short SMVSSL) over the period 27.05.2007 to 19.10.2009. It is further alleged that Rs. 4,80,000,00/- was fraudulently transferred from the account of District Magistrate, Bhagalpur in Indian Bank, Bhagalpur over the period 22.01.2007 to 16.09.2011 and Rs. 4,67,18,728/- was illegally deposited in this account from the account of SMVSSL over the period 27.05.2007 to 19.10.2009. It is further alleged that Rs. 50 lakhs was fraudulently transferred from the account of District Magistrate, Bhagalpur on 27.11.2008 and Rs. 34 lakhs was illegally deposited in this account from the account of SMVSSL over the period 21.01.2009 to 24.05.2010.

So far as the allegation against this petitioner is concerned, it is alleged against the petitioner that being Field Supervisor of SMVSSL, he received two loose cheques and handed it over to Smt. Manorma Devi which was latter on used for withdrawing Rs. 4 crores from the account of District Magistrate, Bhagalpur by making forged signature of District Magistrate, Bhagalpur.

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 not named in the F.I.R and his name subsequently transpired during the course of investigation. The petitioner has not received any kind of loose cheque nor he has signed on any kind of receiving paper. The petitioner was working as a Field Supervisor in SMVSSL and he is not authorized to receive the cheque of an amount of Rs. 4 crores. The petitioner is not the beneficiary in the entire happenings as during the course of investigation, the Investigating Agency has not found any amount/property excess to the known source of income of the petitioner. The petitioner has wholly cooperated in the investigation and the investigation of the present case is already complete. It is pertinent to mention that the Hon'ble

Apex Court in the case of Pankaj Kumar Jha in Cr. Appeal No. 484 of 2020 dated 17.07.2020 has granted bail after noticing that investigation in the case is complete and trial is not likely to be concluded in near future. The petitioner is an old aged person suffering from various diseases like heart, Asthma attack, cervical spine problem etc. The petitioner is languishing in custody since 17.03.2023. Moreover, other co-accused persons have been granted bail by a coordinate Bench of this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 36143 of 2021 and other analogous cases.

In contra, Mrs. Nivedita Nirvikar, learned senior counsel appearing on behalf of the C.B.I has vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner that being Field Supervisor of SMVSSL, he received two loose cheques and handed it over to Smt. Manorma Devi which was latter on used for withdrawing Rs. 4 crores from the account of District Magistrate, Bhagalpur by making forged signature of District Magistrate, Bhagalpur. The petitioner has received the said loose cheques of account of District Magistrate, Bhagalpur from the bank without giving any requisition and without any authority with dishonest intention to withdraw the funds from the account of District Magistrate, Bhagalpur and therefore, he had played a major role in fraudulently transferring Rs. 4 crores from the account of District Magistrate, Bhagalpur to the account of SMVSSL.

Considering the facts aforesaid and the fact that other co-accused persons have been granted bail by different coordinate Benches of this Court as well as keeping in view the old age of the petitioner and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I-II, Patna in connection with RC 10(A)

2018, giving rise to Special Case No. 11 of 2020, arising out of Tilkamanjhi (Bhagalpur) P.S. Case No. 753 of 2017.

(Sunil Kumar Panwar, J)

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