IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30395 of 2022

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

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HARE KRISHNA ADAK Son of Late Abinash Chandra Adak Resident of 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. Govt. of India.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Advocate

For the Opposite Party/s : Ms.Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 02-02-2023 Heard the learned counsel for the petitioner and the learned Senior counsel for the C.B.I.

The petitioner seeks regular bail in connection with Special Case No. 12 of 2020-cum- RC 14(A)/2017 arising out of Kotwali (Tilkamanjhi) P.S. Case No. 505 of 2017 for the offence registered under Section 120B, 409, 420, 467, 468, 471 of the Indian Penal Code and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

The case of the prosecution in brief is that the informant namely Jitendra Pd. Sah had lodged a written report before the Officer-in-charge, Tilkamanjhi (Bhagalpur) police station stating therein that upon direction issued by the District Magistrate, Bhagalpur, the Accounts of District

Nazarat, Shakha, Bhagalpur, operating in Bank of Baroda, Ghantaghar Branch, Bhagalpur and at the Indian Bank, Patel Babu Road Branch, Bhagalpur had been inquired into by a three member team, whereafter the said team had submitted its report on 09.08.2017 vide Memo no. 2372, wherein it has been mentioned that fraudulent transactions have taken place and financial irregularities have been committed by the accused persons and huge sums of public money has been embezzled. It has been alleged that an account bearing A/c no. 10010100012588 was opened in the Bank of Baroda, Bhagalpur Branch on 29.01.2011 in the name of District Collector, Bhagalpur and a sum of Rs. 60 Crores was deposited in the said account. It is also alleged that in between the period 27.08.2011 to 23.05.2014, a sum of approx. Rs. 92.64 Crores was deposited through 12 cheques and then a sum of Rs. 2.74 Crores approx. was also deposited in the said account as also interest was credited in the said account, as such, as on 23.05.2014, a sum of Rs. 96,21,15,883/- was available in the said account. However, in between the period 08.06.2012 to 23.02.2017, a sum of Rs. 93,23,01,000/- was withdrawn vide 06 different cheques. It has also been found that a sum of Rs. 20 Crores was transferred vide two cheque in favour of Srijan Mahila Vikash Sahyog Samiti Ltd. (hereinafter referred to as the S.M.V.S.S.L.), however, the said cheques were not entered in the cheque book register as also it has been informed that the cheque book series containing the number of the said two cheques had not been received by the authorities, thus, it is clear that by forging the signatures of the then District Collector, a sum of Rs. 20 Crores had been withdrawn by the aforesaid two cheques. Similarly, other fraudulent transactions are stated to have taken place in between the period 16.06.2012 to 11.06.2015 and a sum of approx. Rs. 51.11 Crores had also been transferred fraudulently in the name of S.M.V.S.S.L. Similarly huge sums of money have been transferred from the account opened in Bank of Baroda, Bhagalpur Branch on 23.01.2007, in the name of District Collector, Bhagalpur, to the account of S.M.V.S.S.L. It is also alleged that an account was also opened in the name of District Collector, Bhagalpur in the Indian Bank, Bhagalpur Branch on 16.12.2003 and from the said account, huge sum of money have been fraudulently transferred to the account of S.M.V.S.S.L. The petitioner is alleged to have been posted as Assistant Manager of the Indian Bank, Bhagalpur Branch at the relevant time and while discharging his official duties, he had made entries in the bank system and verified some cheques, which had led to fraudulent transfer of money in the account of S.M.V.S.S.L.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that though the petitioner is in custody since 04.03.2022 but he has been remanded in the present case on 25.03.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in 08 other cases of similar nature but he is on bail in most of them. It is next submitted that most of the co-accused persons have already been granted the privilege of bail by co-ordinate Benches of this Court vide orders dated 27.08.2021, 07.09.2021, 28.10.2021, 20.12.2021 and 31.03.2022, passed in Cr. Misc. no. 13523 of 2021, Cr. Misc. no. 6093 of 2021, Cr. Misc. no. 35666 of 2021, Cr. Misc. no. 35842 of 2021 and Cr. Misc. no. 52560 of 2021, respectively. It is also submitted that considering the factual aspect of the matter, the Hon'ble Apex Court has also allowed the prayer of bail of one of the accused of Srijan Scam case (RC no. 15/A/17) namely Pankaj Kumar Jha, by an order dated 17.07.2020, passed in Crl. Appeal no. 484 of 2020.

Lastly, it is submitted that since the petitioner has already joined investigation and has cooperated with the investigating agency i.e. the C.B.I., there is no reason to deny bail to the petitioner, especially in view of the fact that the charge sheet has already been filed *qua* the petitioner herein.

Per contra, the learned counsel appearing for the C.B.I. has vehemently opposed the prayer for bail but has not denied the fact that the investigation is complete, hence custodial interrogation might not be required now.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, C.B.I.-II, Patna in connection with Special Case No.

12/2020-cum-RC 14(A)/2017 arising out of Kotwali (Tilkamanjhi) P.S. Case No. 505 of 2017.

(Mohit Kumar Shah, J)

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