IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33669 of 2022

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

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DINKAR TIGGA Son of Abnezar Tigga Resident of Village - Patel Nagar , Road No.10, Hesag, Near Vasundhara Apartment, P.S.- Hatiya, P.s.- Jagarnathpur, Distt.- Ranchi, Jharkhand. ... ... Petitioner/s

Versus

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

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 34411 of 2022

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

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NALUPARAYIL ANAND VARGHESE @ NALUPARAYIL VARGHESE RAJU @ N.V. RAJU Son of Anand Senapati Resident of Village - Jogsar Chandi Pd. lane, P.s.- Adampur, Distt.- Bhagalpur.

... ... Petitioner/s

Versus

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

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 39359 of 2022

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

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SUBH LAKSHMI PRASAD @ SUBH LAXMI PRASAD Wife of Late Binoda Nand Prasad Resident of Mohalla - Rani Talab Road, Fatehpur, Ang - Vihar Apartment, Block C Near BCE, P.S.- Sabour, Dist.- Bhagalpur.

... ... Petitioner/s

Versus

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

... ... Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 33669 of 2022)

For the Petitioner/s : Mr.Sanjeev Ranjan, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 34411 of 2022)

For the Petitioner/s : Mr.Sanjeev Ranjan, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 39359 of 2022)

For the Petitioner/s : Mr.Uday Pratap Singh, Adv.
Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Shweta Anand, Adv.
Ms.Nivedita Nirvikar, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

12 13-04-2023 I have already heard the learned counsel for the petitioners as well as the learned counsel for the Central Bureau of Investigation.

The petitioners are seeking bail in connection with Spl. Case No. 11 of 2020, arising out of R.C. Case No. 10/A/2018 registered for offence punishable under Sections 120(B) read with section 409, 420, 467, 468, 471, 120(B) of the Indian Penal Code, section 13 (2) read with section 13 (1) (c) & 13 (1) (d) of Prevention of Corruption Act, 1988.

The matter relates to infamous *Srijan* scam, which attracted the eyes of public at large in which crores and crores government money was siphoned off and it was deposited in the account of *Srijan Mahila Vikash Sahyog Samiti Limited* (hereinafter refereed to as SMVSSL), Bhagalpur. A number of cases were lodged amongst which the present one.

Brief fact of this case is that on the basis of joint written complaint dated 16.10.2017 of Om Kumar Srivastava, Head Nazir, Zila Nazarat, Bhagalpur and Sri Jitendra Prasad Sah, Incharge Officer, Zila Nazarat Shakha Bhagalpur, an F.I.R. No.753 of 2017 was registered under Sections 409, 420, 467, 468, 471/34 and 120(B) of the Indian Penal Code by Bihar Police in Kotwali Police Station, Bhagalpur on 16.10.2017 against the accused persons. The allegation is that the fraudulent transfers were made from the government fund from three bank accounts, which are account nos. 548689983, 548985377 and 548685399. These accounts were in the name of District Magistrate, Bhagalpur in Indian Bank, Patal Babu Road, Bhagalpur. By making forged signatures of the then District Magistrate, Bhagalpur Shri Vipin Kumar, Rs.16,50,000,00/- (sixteen crores fifty lakhs) was fraudulently transferred from the account no. 548689983 of District Magistrate, Bhagalpur between the period from 31.01.2007 to 28.02.2008 and these were deposited in the account of SMVSSL. Further allegation is that from 27.05.2007 to 19.10.2009, Rs.4,80,000,00/- (four crores eighty lakhs) was fraudulently transferred from the account no. 548685377 of District Magistrate, Bhagalpur in Indian Bank. The petitioner Dinkar Tigga was Assistant Branch Manager at the relevant point of time and he entered those cheques in computer and thereafter, he cleared the cheques despite the fact that the signature of District Magistrate (account holder) was not tallied with his specimen signature preserved by the bank.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in these cases. The matter relates to the year 2007-2008, whereas the case was lodged in the year 2018 after lapse of near about ten years. He has submitted further that nothing emerged during course of investigation that the petitioner Dinkar Tigga derived pecuniary advantages or wrongful gain from the act alleged against him. The petitioner and other co-accused persons have been granted bail in similar cases. The F.S.L. report is still awaited.

On the other hand, Ms. Nivedita Nirvikar, the learned Senior counsel for the Central Bureau of Investigation has opposed the prayer for bail and submitted that the petitioner Dinkar Tigga has three cases, as mentioned in the bail petition and the complicity of the petitioners has emerged in paragraph nos. 16.3.5.10 and 16.3.5.11 of the investigation report submitted by C.B.I., which are quoted herein below:-

> "16.3.5.10 Investigation has revealed that Rs. 2 crore was fraudulently transferred vide cheque no. 98210 dated 12.02.2008 from the account no. 548689983 of DM, Bhagalpur into the account no. 7442 of SMVSSL in Indian Bank by making forged signature of Shri Vipin Kumar, the then DM, Bhagalpur on the cheque. Shri Ram Krishan Jha in conspiracy with Smt. Manorama

Devi and Shri N.V.Raju presented this cheque along with deposit slip containing signature of Smt. Manorama Devi in the branch. Shri Ram Krishan Jha filled the deposit slip 14.02.2008 in his own handwriting with the dishonest intention to credit the cheque into the account of SMVSSL. Shri N.V Raju has filled the cheque in his handwriting. Shri Dinkar Tigga entered this cheque in system and Shri Sanjiv Kumar verified the same by abusing their official position despite knowing the fact that the specimen signature of Shri Vipin Kumar is prima facie different from the signatures of Shri Vipin Kumar on this cheque. Shri Vipin Kumar has denied his signature on the cheque.

16.3.5.11 Investigation has revealed Rs. 50 lakh was fraudulently transferred vide cheque no. 98212 dated 20.02.2008 from the account no. 548689983 of DM, Bhagalpur into the account no. 7442 of SMVSSL in Indian Bank by making forged signature of Shri Vipin Kumar, the then DM, Bhagalpur on the cheque. Shri Ram Krishan Jha in conspiracy with Smt. Manorama Devi and Shri N.V.Raju presented this cheque along with deposit slip containing signature of Smt. Manorama Devi in the branch. Shri Ram Krishan Jha filled the deposit slip dated 28.02.2008 in his own handwriting with the dishonest intention to credit the cheque into the account of SMVSSL. Shri N.V Raju has filled the cheque in his own handwriting. Shri Dinkar Tigga passed this cheque despite knowing the fact that the specimen signature of Shri Vipin Kumar is prima facie different from the signature of Shri Vipin Kumar on this

> cheque. Shri Vipin Kumar has denied his signature on the cheque."

From perusal of these paragraphs, it appears that the petitioner Dinkar Tigga passed the cheques despite the fact that the signatures on the cheques were not matching with the specimen signature of Shri Vipin Kumar, the then District Magistrate, Bhagalpur. The petitioner cannot take a plea that he did not receive any pecuniary benefit from this act. Those cheques contain huge government money, as such, the petitioner was duty bound to verify the signatures thereon with all caution and care.

So far as petitioner Subh Lakshmi Prasad @ Subh Laxmi Prasad is concerned, she has ten cases, as mentioned in her bail petition and the materials against her emerged in paragraph no.16.3.8, which is quoted herein below:-

> "16.3.8 <u>investigation regarding unauthorized deposit of funds in the account of DM, Bhagalpur from the account of SMVSSL.</u>
>
> In order to hide the diversion and misappropriation of funds, Smt. Manorama Devi, Smt. Subhlaxmi Prasad and Smt. Sarita Jha in conspiracy with bank officials/officers used to transfer/deposit back money in the account of DM, Bhagalpur so that cheques issued by DM, Bhagalpur do not get dishonoured due to

insufficient balance in the account of DM, Bhagalpur. Details of money unauthorizedly deposited back in the accounts of DM, Bhagalpur are given below:

Sl. No	Total Amount	Deposited in acc no. of DM, Bhagalpur	From Account Number of SMVSSL	Number of Instances
1.	Rs. 13,87,00,000	90781 (5486889983) of DM, Bhagalpur in Indian Bank, Bhagalpur	7442 (548670165, 822726685 822726120 Indian Bank Bhagalpur	33 instances from 27.6.2007 to 19.10.12
2.	Rs. 3,66,50000	90313 (548685377) of DM, Bhagalpur in Indian Bank, Bhagalpur	7442 (548670165) 822726685 822726120 10010100003002 (Bank of Baroda, Bhagalpur)	20 instances from 2.03.2007 25.8.2009
3.	Rs. 27,00,000	90315 (548685399) of DM, Bhagalpur in Indian Bank, Bhagalpur	7442 (548670165) in Indian Bank, Bhagalpur	02 instances from 29.1.2009 to 3.3.2009
Tot-al	17,80,50,000			

Investigation revealed that Smt. Manorama Devi, Smt. Sarita Jha and Smt. Subh Lakshmi Prasad of SMVSSL issued cheques in favour of DM, Bhagalpur from time to time and bank officers/officials used to inform SMVSSL about the requirement of funds, so that cheques issued by O/o DM, Bhagalpur do not get dishonoured and nobody will came to know about the insufficient balance in the account of DM, Bhagalpur. it is pertinent to mention here that transactions are passed by Shri Ashok Kumar Asthana, Shri Surajit Raha, Shri Dinkar Tigga, Shri Sanjiv Kumar, Shri Ranjit Kumar Pal. These officers have also passed forged cheques used in transferring of funds from the account of DM, Bhagalpur into the account of SMVSSL. This fact establishes their knowledge of misappropriation of funds because they knew that the funds are not sufficient to honor the cheques issued from O/o DM, Bhagalpur. Smt. Sarita Jha and Smt. Subh Laxmi Prasad had the knowledge of receipt of funds from the account of DM, Bhagalpur as they were holding the posts of Manager and Chairperson respectively of SMVSSL. They were also authorized signatories to the bank accounts of SMVSSL. They had returned the funds from the account of SMVSSL to the account of DM, Bhagalpur for hiding the misappropriation of govt. funds. The return of said amounts prove their culpability of having knowledge of receipt of the misappropriated amount. SMVSSL had no business with the DM, Bhagalpur and there was no outstanding amount of DM, Bhagalpur on the part of M/s SMVSSL. In order to hide the misappropriation of funds, these officers in conspiracy with office bearers of SMVSSL deposited the funds back to the account of DM, Bhagalpur on the same day, when the cheques were issued from the O/o DM, Bhagalpur were to be cleared. Most of the cheques and deposit slips of transactions

> mentioned above are filled in the handwriting of Shri Ram Kishan Jha, the then Officer, Indian Bank. This fact underlines the conspiracy on part of officers of Indian Bank. All the cheques used in unauthorized deposit of money were issued under joint signatures of Smt. Manorama Devi and Smt. Subhlaxmi Prasad or Smt. Sarita Jha. Forged statement of account no. 548689983 was also found in the record of DM, Office, Bhagalpur. This statement was given to O/o Nazarat section by Ram Kishan Jha in order to hide the conspiracy of misappropriation of funds from the account of DM, Bhagalpur."

The learned counsel for the petitioner has submitted that the petitioner is a lady and in similar cases, she has been granted bail.

From perusal of the materials collected during course of investigation, it appears that the petitioner Subh Lakshmi Prasad @ Subh Laxmi Prasad along with Manorma Devi and Sarita Jha, in conspiracy with the bank officials, used to transfer money from the account of District Magistrate, Bhagalpur and also used to transfer money from their account to the account of District Magistrate, Bhagalpur with the purpose and intention that the cheques issued in the fake name of District Magistrate, Bhagalpur could not be dishonoured.

So far as petitioner Naluparayil Anand Varghese @

Naluparayil Varghese Raju @ N.V. Raju is concerned, there are seven cases of similar nature against him. There is allegation against him that he is close associate of Manorama Devi, the kingpin of *Srijan* scam and he is the person, who, in his handwriting, used to fill up those forged cheques. His complicity has emerged in paragraph nos. 16.3.5.10 and 16.3.5.11, which have already been quoted above.

Considering the above-mentioned facts and circumstances as well as the materials collected during the course of investigation against the petitioners, I am not inclined to grant them bail. Accordingly, their prayer for bail is hereby rejected.

(Nawneet Kumar Pandey, J)

Mahesh/Nirmal

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