

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33647 of 2022**

Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

NALUPARAYIL ANAND VARGHESE @ NALUPARAYIL VARGHESE  
RAJU @ N. V. RAJU son of Anand Senapati Resident of Jogsar Chandi Pd.  
Lane, Police Station- Adampur, District - Bhagalpur.

... .. Petitioner/s

Versus

The Central Bureau Of Investigation.

... .. Opposite Party/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

13    26-04-2023            Heard learned counsel for the petitioner and learned senior  
counsel representing the Central Bureau of Investigation (*for brevity*  
*'CBI'*).

The petitioner seeks bail in connection with R.C. 17/A/2017,  
giving rise to Special Case No. 14/2020 arising out of Bhagalpur  
Kotwali (Tilka Manjhi) PS Case No. 513/2017 registered for the  
offence punishable under Sections 120B, 409, 420, 467, 468, 471 and  
477 of the Indian Penal Code and Sections 13(2) r/w 13(1)(d) of the  
Prevention of Corruption Act, 1988.

An FIR RC 2172017A0017, CBI, ACU-V, AC-II, New Delhi  
was registered by CBI on 25.08.2017 by taking over investigation of  
FIR No. 513/2017 dated 12.08.2017 of Bhagalpur Kotwali (Tilka  
Manjhi) U/s 34, 120-B, 409, 419, 420, 467, 468 & 471 of IPC, in  
compliance to the Notification dated 18.08.2017 of Home



Department of Government of Bihar u/s 6 of DSPE Act.

The brief substance of allegations in the FIR is embezzlement/fraudulent transfer of funds from the account of the Deputy Development Commissioner (DDC)-cum-Chief Executive Officer (CEO), Zila Parishad, Bhagalpur to the account of 'Srijan Mahila Vikas Sahyog Samiti Limited' (*for brevity* 'SMVSSL'). The instant petitioner was not an accused named in the FIR.

Upon completion of investigation, charge-sheet was submitted on 17.02.2018 against 13 accused persons. Supplementary charge sheet No. 9 of 2020 dated 16.10.2020 was filed, nearly four years after institution of the FIR. In the supplementary charge-sheet, the investigation agency found involvement of 11 new accused persons, including the petitioner's role in the alleged crime.

As per the charge-sheet, the petitioner's involvement has emerged in seven other cases arising out of similar allegations, all of which together constitute, what is known in common parlance as "Srijan Scam". The petitioner was very close with the prime accused Smt. Manorama Devi, one of the main beneficiaries of the "Srijan Scam". He is alleged to have inscribed the details in his own handwriting for filling up the cheques based on which huge amounts were withdrawn in favour of SMVSSL. He also has allegedly used the account standing in the name of his brother-in-law for fraudulently diverting money from the account of SMVSSL, which was subsequently transferred back into the account of SMVSSL after a



gap of three months. He was regularly visiting the prime accused and was one of the main conspirators.

Learned counsel for the petitioner submits that the petitioner's implication is based merely on suspicion arising out of his alleged proximity with the prime accused of the scam. He has been implicated in seven other cases based on such suspicion, as per disclosure made in paragraph 3 of the bail application, out of which he is on bail in three cases. There is no allegation of the petitioner forging or fabricating any instrument. The allegation is of filling up of the cheques in his handwriting, which also is denied and disputed. The charge-sheet itself indicates that the petitioner has returned amounts within three months, which were in fact amounts of loan repayment received by the petitioner as a loan from the banking activity of *SMVSSL*, which could not construe any offence. Several co-accused, namely, Subrat Das @ Subrata Das, Ajay Kumar Pandey, Sarita Jha, Atul Raman, Deo Shankar Mishra, Barun Kumar, Mohd. Sarfrajuddin @ Md Sarfrajuddin, Banshi Dhar Jha @ Vanshi Dhar Jha @ Vanshi Dhar, Nabin Kumar Saha, Rakesh Kumar, Rakesh Kumar @ Rakesh Kumar Yadav have been allowed bail vide Cr. Misc. Nos. 22914 of 2020, 33285 of 2020, 2560 of 2021, 6540 of 2021, 8319 of 2021, 16351 of 2021, 34719 of 2021, 35990 of 2021, 40274 of 2021, 40324 of 2021 and 45464 of 2021 respectively. The petitioner's case is on a better footing than these co-accused persons.

The petitioner is in custody since 24.02.2022 in



connection with other cases arising out of the same Scam, and remanded in this case on 28.03.2022.

Learned Senior counsel for the CBI would submit that the charge-sheet, details of which this Court has noticed above, clearly suggests petitioner's active participation in the crime and criminal conspiracy. The petitioner has benefited from *SMVSSL*, which organisation was a beneficiary of misappropriated Government's fund. There is sufficient material to support the allegation against the petitioner.

In the counter-affidavit, the Investigating Agency has averred that if petitioner is enlarged on bail, he may influence the witnesses of the case or he may evade the trial proceedings.

On hearing the learned counsels, this Court would take into consideration the nature of accusations and material collected in the investigation, as noted above, including the assertion on behalf of the petitioner that he maintained Cash Credit account with the Banking unit of *SMVSSL*, petitioner also is neither a Government Servant, nor an employee of *SMVSSL*. The Court would also consider his plea regarding the transactions being in due course of Banking business as a customer of banking unit of *SMVSSL*, for the limited purposes of grant of bail.

Insofar as the averment in the counter affidavit that petitioner may influence the witnesses, this Court would find that assertion is not supported by any material particulars as to which of



the witness, he has tried to influence, and in what manner. There is nothing more than a generalized apprehension expressed in the counter affidavit without any material basis. The same, therefore, cannot be a reason to conclude such propensity of the petitioner to deny regular bail.

The learned senior counsel for the Investigating Agency (CBI) has not denied the assertion regarding petitioner's cooperation in the investigation leading to submission of the charge sheet, the factum of several co-accused having been allowed bail, as noted above, is also not denied or disputed.

The Court, therefore, is inclined to accept the submissions advanced by the learned counsel for the petitioner, as noted above, so as to allow him bail. The consideration is for the limited purposes of grant of bail and may not be deemed as an expression of any opinion by this Court on the merits of the matter which is yet to be determined at the trial, or for any other purposes.

Petitioner's prayer for bail is allowed.

Let the petitioner, above named, 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 the learned Special Judge-II, CBI, Patna, in connection with Special Case No. 14 of 2020 cum- R. C. 17/A/2017 arising out of Bhagalpur Kotwali (Tilka Manjhi) PS Case No. 513/2017, 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.

(iii) The petitioner shall not leave the country without permission of the Trial Court.

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

**(Madhuresh Prasad, J)**

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