**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.39062 of 2022**

Arising Out of PS. Case No.-15 Year-2018 Thana- C.B.I CASE District- Patna

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HARE KRISHNA 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), PATNA Bihar

... ... Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mrs.Nivedita Nirvikar, Sr. Advocate
Mr. Avanish Kumar Singh, S.P.P.
Mr. Ambar Narayan, Advocate

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

ORAL ORDER

3 11-01-2023 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Special Case No. 01 of 2020-cum-RC 15(S)/2018 arising out of Kotwali (Bhagalpur) P.S. Case No. 658 of 2017 for the offence registered under Sections 120B, 409 and 420 of the Indian Penal Code and under Sections 13(2), 13(1)(c) & 13(1)(d) of the Prevention of Corruption Act, 1988.

It is alleged that during the period 2012-14, the officials of Indian Bank, Bhagalpur Branch and others fraudulently embezzled an amount of Rs. 30,25,43,630/- from the Current Account No. 6084978909 of the Bhagalpur Central Cooperative Bank Limited, Bhagalpur Branch, maintained with the Indian Bank, Bhagalpur Branch, Bhagalpur.

It is further alleged that during the period 2012-14, the proceeds of five cheques worth Rs. 20,00,00,000/-, issued by the Bhagalpur Central Cooperative Bank Limited, Bhagalpur were not credited in its current account and Sweep Account No. 6084978909, maintained with the Indian Bank, Bhagalpur Branch, rather the officials of the Indian Bank, Bhagalpur Branch and others fraudulently embezzled the said amount. It is alleged that during the period 2012-17, the officials of Bank of Baroda, Bhagalpur Branch and others fraudulently embezzled an amount of Rs. 17,94,85,446.83 from Current Account No. 10010100013202 of the Bhagalpur Central Cooperative Bank Limited, Bhagalpur Branch, maintained with the Bank of Baroda, Bhagalpur Branch, Bhagalpur.

It is also alleged that during the period 2012-

17, the proceeds of nine cheques worth Rs. 30,95,28,000/- issued by the Bhagalpur Central Cooperative Bank Limited, Bhagalpur were not credited in its current account and Sweep Account No. 10010100013202, maintained with the Bank of Baroda, Bhagalpur Branch, rather the officials of Bank of Baroda, Bhagalpur Branch and others fraudulently embezzled the said amount.

It is further alleged that the Bhagalpur Central Cooperative Bank Limited, Bhagalpur Branch vide letter no. 1133, dated 01.11.2013, had forwarded HDFC Bank Cheque No. 000054, dated 31.10.2013 for a sum of Rs. 2,00,00,000/- for being deposited in their current account and Sweep Account, maintained with the Bank of Baroda, Bhagalpur Branch, however, the officials of the Bank of Baroda, Bhagalpur Branch and others fraudulently did not deposit the proceeds of the said cheque in the current account of the Bhagalpur Central Cooperative Bank Limited, Bhagalpur Branch, maintained in the Bank of Baroda.

The present case is related to investigation with regard to misappropriation/embezzlement of the proceeds of five cheques, which were forwarded by the Bhagalpur Central Cooperative Bank Limited, Bhagalpur to the Indian Bank, Bhagalpur Branch, Bhagalpur for preparation of STDRs/transferring the proceeds into Account No. 6084978909 of the Bhagalpur Central Cooperative Bank Limited, Bhagalpur maintained with Indian Bank, Bhagalpur Branch, Bhagalpur.

As far as the petitioner is concerned, he is alleged to have passed the voucher pertaining to cheque no. 42290 dated 22.05.2009 for a sum of Rs. 2,60,75,000/- which was issued from the current account of the D.D.C., Bhagalpur in favour of B.D.O., Pirpainti and was presented in Indian Bank, Bhagalpur with a deposit slip of **Srijan**. Though the said cheque was in the name of B.D.O., Pirpainti, yet in pursuance to a criminal conspiracy, the voucher was passed by the petitioner and the account of **Srijan** in Indian Bank, Bhagalpur, was credited illegally inasmuch as the said cheque had been drawn in favour of the B.D.O., Pirpainti.

Similarly, three cheques for a sum of Rs. 60,30,000/-, Rs. 19,99,090/- and Rs. 33,49,590/-, vouchers whereof was cleared by the petitioner and one another co-accused person, was illegally credited to the account of Srijan.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 22.03.2022. The learned counsel for the petitioner has further submitted that most of the co-accused persons have been granted the privilege of bail by Co-ordinate Benches of this Court vide orders dated 19.10.2020 and 17.01.2022 passed in Criminal Miscellaneous No. 26335 of 2020 and Criminal Miscellaneous No. 40468 of 2021. It is further submitted that one of the co-accused person, namely, Siddharth, has also been granted the privilege of anticipatory bail by the Hon'ble Apex Court vide order dated 16.08.2021 passed in S.L.P. (Crl.) No. 5442 of 2021. It is also submitted that since the petitioner has already joined investigation and is cooperating 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. Lastly, it is submitted that out of 8 other criminal cases in which the petitioner is an accused, he has already been granted bail in five of them.

Per contra, the learned counsel appearing for the C.B.I. has vehemently opposed the prayer for bail.

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 parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of anticipatory bail/Bail, by the Hon’ble Apex Court/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 Special Judge, C.B.I.-II, Patna in connection with Special Case No. 01/2020-cum-RC 15(S)/2018 arising out of Kotwali (Bhagalpur) P.S. Case No. 658 of 2017.

**(Mohit Kumar Shah, J)**

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