IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52316 of 2021

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

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Umesh Singh S/O Late Baleshwar Singh Resident At Shantinagar, D.V.C. Road, Sabour, P.S.- Sabour, District- Bhagalpur

... ... Petitioner/s

Versus

1. The State Of Bihar Through Superintendent Of Police, C.B.I. Acu-V, New Delhi Bihar
2. Inspector Of Police, C.B.I -AC-II, New Delhi

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv.
		Mr. Bipin Kumar, Adv.
For the Opposite Party/s	:	Mrs. Nivedita Nirvikar, Sr. Adv.
		Ms. Surabhi Nirmal, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

14 14-02-2023 Heard learned counsel for the parties.

Learned counsel for the petitioner undertakes to remove the defects, if any, within three weeks.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 34, 120B, 409, 420, 467, 468 and 471 of the Indian Penal Code and Section 13(2) r/w 13(i) (c) and 13(1) (d) of Substantive Offence Act.

This case arises from infamous Srijan scam. The allegation against the petitioner is that he, being Field Supervisor of Srijan Mahila Vikash Sahyog Samiti Ltd., received two loose cheques and handed it over to Smt. Manorama Devi.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has not received any kind of loose cheque No. 995218 and 995219 and he has also not signed any kind of receiving paper. He submits that the petitioner works as a Field Supervisor in Srijan Mahila Vikash Sahyog Samiti Ltd. therefore, he has not the actual and proper authority to receive the cheque an amount of Rs. 4,00,000,00/-. He submits that there is no specific allegation against the petitioner for deposit and withdrawal of any kind of cheque in entire charge-sheet. He submits that petitioner is an old aged person and due to age, he is also suffering from various diseases like heart, Asthma attack, cervical spine problem. He submits that the petitioner is not the beneficiary and no any amount could be deposited in the petitioner’s account. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the CBI opposes the prayer for bail and submits that the petitioner was working as a Field Supervisor in Srijan Mahila Vikas Sahyog Samiti Ltd, Bhagalpur from 2001 to 2007. He received two loose cheques bearing no. 995218 and 995219 of the account of District Magistrate, Bhagalpur at Indian Bank, Bhagalpur which were later on used to withdraw Rs. 4 crores from the account of District Magistrate, Bhagalpur by making forged signature of District Magistrate, Bhagalpur. Petitioner in criminal conspiracy with Smt. Manorama Devi and other accused persons received the 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. It is submitted that the petitioner has played a major role in fraudulently transferring Rs. 4 crores from the account of District Magistrate, Bhagalpur to the account of SMVSSL.

Considering the argument of the parties, after perusal of the entire record and the counter affidavit, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Special Case No. 11 of 2020, Kotwali P.S. Case No. 753 of 2017, CBI Case No. RC2172018A0010CBI, ACU-V/ACII, New Delhi.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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