IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51469 of 2022

Arising Out of PS. Case No.-20 Year-2017 Thana- C.B.I CASE District- Patna

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VIDYANAND DUTTA S/O LATE FEKAN DUTTA Resident of Village- Dutta Bhawan, Bela Vihar, P.O. M.I.C, P.S.- Bela, District- Muzaffarpur.

... ... Petitioner/s

Versus

THE UNION OF INDIA THROUGH THE SUPERINTENDENT OF POLICE, C.B.I, PATNA. BIHAR

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Pravesh Nath Tiwari, Adv.
For the CBI	:	Ms. Nivedita Nirvikar, Sr. Adv.
		Ms. Richa, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

4 07-02-2023 Heard the learned counsel for the petitioner and the learned Senior Counsel for the CBI, Ms. Nivedita Nirvikar, assisted by Ms. Richa, Advocate.

The petitioner seeks regular bail in connection with Special Case No. 8 of 2019, arising out of R.C.No. 20/A/2017, registered for the offence punishable under Section 120B r/w 406, 409, 419, 420, 467, 468, 471 of the Indian Penal Code and Sections 13(2) r/w 13(1)(c)(d) of the P. C. Act, 1988.

The case of the prosecution, in brief, as mentioned in the F.I.R. is that the officials of Bank of Baroda, Saharsa and Bhagalpur Branch, in conspiracy with Srijan Mahila Vikas Sahyog Samiti

Ltd. and Special Land Acquisition Officer (SLAO), Koshi Project, Saharsa, illegally transferred the govt. money from the account of SLAO, Koshi Project Saharsa in Bank of Baroda, Bhagalpur Branch to the accounts of Srijan Mahila Vikas Sahyog Samiti Ltd. by using forged signature of the then SLAO, Koshi Project, Saharsa. The then SLAO, Koshi Project Saharsa, had opened a bank account in the Bank of Baroda, Bhagalpur Branch and had deposited a sum of Rs. 1,63,03,77,064/- from 16.02.2012 to 03.04.2013, pertaining to different projects. From this account of SLAO, Koshi Project, Saharsa in Bank of Baroda, Bhagalpur Branch, a sum of Rs. 1,63,49,17,832/- was transferred to the account of Srijan Mahila Vikas Sahyog Samiti Ltd., in between 28.03.2012 to 07.07.2015, by using forged cheques, purportedly signed by Shri Krishna Kumar, the then SLAO, Koshi Project, Saharsa. From the accounts of Srijan Mahila Vikas Sahyog Samiti Ltd., Rs. 1,62,10,26,617/- was transferred back to the accounts of SLAO, Koshi Project, Saharsa, in-between 01.02.2013 to 20.04.2015. All the transfer of money from the account of SLAO, Koshi Project, Saharsa to the account of Srijan Mahila Vikas Sahyog Samiti Ltd. was illegal and without anyone's approval. Further, forged statements were found in the office of SLAO, Koshi Project, Saharsa showing no entry of transactions between the accounts of SLAO, Koshi Project, Saharsa and Srijan Mahila Vikas Sahyog Samiti Ltd.

As far as the petitioner is concerned, who was then working as Joint Manger from October 2011 to January 2013 at Bank of Baroda, Bhagalpur Branch, is stated to have connived with other Bank officials, abused his official position and made the forged signature of Sri Krishna Kumar, the then SLAO, Saharsa with dishonest and mala fide intention to transfer the Government funds to the account of Srijan Mahila Vikas Sahyog Samiti Ltd. (hereinafter referred to “SMVSL) by fraudulent means. The petitioner is also alleged to have verified two forged cheques bearing cheque no. 565503 dated 24.3.2012 for a sum of Rs. 12 crores and a cheque bearing No. 565510 dated 24.3.2012 for a sum of Rs. 12 crores, whereupon a total sum of Rs. 24 crores was fraudulently transferred from the account of SLAO, Saharsa to the account of SMVSSL.

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 1.4.2022. The learned counsel for the petitioner has further submitted that the petitioner is an old person, aged about 70 years, and he is suffering from various ailments, however, the fact is that there is no material on record to show that the petitioner is the beneficiary of the amount of aforesaid two cheques, signatures whereof had only been verified by the petitioner and at best, the act of the petitioner can be stated to be dereliction in his duties of having incorrectly verified the signature of the drawer on the cheque with the specimen signature. The learned counsel for the petitioner has further submitted that most of the co-accused persons have already been granted the privilege of bail by coordinate Benches of this Court, vide orders dated 5.10.2021, 2.11.2021, 10.12.2021, 6.1.2022 and 8.2.2022, passed in Criminal Miscellaneous No. 35617 of 2021, Criminal Miscellaneous No. 15050 of 2021, Criminal Miscellaneous No. 45794 of 2021, Criminal Miscellaneous No. 36290 of 2021 and Criminal Miscellaneous No. 36359 of 2021. 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 Special Judge, C.B.I.-II, Patna in connection with Special Case No. 08/2019, arising out of R.C. No. 20/A)/2017.

(Mohit Kumar Shah, J)

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