

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65343 of 2022

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

Ashok Kumar Asthana, Gender_Male, aged about 69 years, Son Of Late Bindhyachal Prasad @ Late Bindhyachal Prasad Asthana, Presently R/O R1-2f, Sunrise Symphony, P.S.- New Town, Kolkata- 700161

... .. Petitioner/s

Versus

The Central Bureau of Investigation

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Narayan, Advocate Ms. Sneha Kumari, Advocate Mr. Abhisyan Kumar, Advocate
For the C.B.I.	:	Ms. Nivedita Nirvikar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner as well as learned senior counsel for the Central Bureau of Investigation (for brevity 'CBI').

The petitioner seeks bail in connection with FIR-CBI/AC-II/New Delhi PS Case No. RC2172017Aoo14 (commonly stated as RC-14/A/2017); re-registered from Bhagalpur Kotwali (Tilkamanjhi) P.S. Case No. 505/2017, leading to Special Case No. 12/2020 registered for the offence punishable under Section 120B read with 409, 420, 467, 468, 471 of the Indian Penal Code (for brevity 'IPC') and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 (for brevity 'PC Act').

The case arises out of a criminal conspiracy, known in the common parlance as the 'Srijan scam', wherein the Government funds have been misappropriated through banking transactions by siphoning the funds in the accounts of 'Srijan Mahila Vikas Sahyog Samiti Limited' (hereinafter referred to as the 'SMVSSL').

The petitioner, in the present case, was an officer in one of the



banks. The crux of the allegations against the petitioner, founded on the material collected in the charge-sheet which have been relied upon by the learned senior counsel appearing on behalf of the CBI, is that he has handed over chequebook for the bank account of District Magistrate, Bhagalpur, to some persons without making proper entry in the check issue register. Further, it is alleged that from the chequebooks, cheque have been presented for clearance, in which process also petitioner has participated, which is evident from the initials of the petitioner appearing on the cheques. It is submitted that substantial amount of government funds have been misappropriated.

Learned counsel for the petitioner submits that even as per charge-sheet, there is nothing to suggest that petitioner has been found to have benefited in terms of any money in the process. The petitioner was processing the cheques and issuing chequebooks in discharge of his routine duties. Petitioner also claims parity with one Pradyut Kumar Biswas (co-accused) who has been alleged to have similar role in the scam and has been allowed bail in Cr. Misc. No. 17456 of 2021. The petitioner is stated to be in custody since 03.10.2022.

Upon considering the rival submissions, and going through the order dated 17.01.2022, passed in Cr. Misc. No. 17456 of 2021, this Court would find that the petitioner has been able to make out a case for bail based on parity with co-accused, namely, Pradyut Kumar Biswas. There is no allegation that he has shown any lack of cooperation in the investigation. The charge-sheet is already submitted against the petitioner. Considering the aforesaid circumstances, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner 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, CBI-II, Patna, in connection with FIR-CBI/AC-II/New Delhi PS Case No. RC2172017Aoo14 (commonly stated as RC-14/A/2017); re-registered from Bhagalpur Kotwali (Tilkamanjhi) P.S. Case No. 505/2017, leading to Special Case No. 12/2020, 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.

(Madhuresh Prasad, J)

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