IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72442 of 2022

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

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Krishna Kumar S/O Late Banke Bihari Yadav Resident At And P.O. Tuniyahi, P.S.- Madhepura District- Madhepura, Presently Residing At A-1 Vatikapuri, Ambedkar Path,P.S. Rukanpura, Distt.- Patna.

... ... Petitioner/s

Versus

The Central Bureau Of Investigation

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Alok Kumar Rahi
For the Opposite Party/s : Mr.Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

6 09-05-2023 Heard learned counsel for the petitioner and learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 120(B), read with Sections 409, 420, 467, 468, 471 of the Indian Penal Code and Sections 13(2) read with 13(1)(c) and (d) of the Prevention of Corruption Act.

It is alleged against the petitioner that the petitioner being Special Land Acquisition Officer, Saharsa, in criminal conspiracy with the Branch Manager and Clerk of Bank of Baroda, Bhagalpur, opened a new bank account in other District-Bhagalpur and thereafter transferred an amount of Rs. 163,03,77,064/-(Rupees one hundred sixty three crores, three lakhs seventy thousands and sixty four) to the account of SLAO in Bank of Baroda, Bhagalpur branch during the period 16.02.2012 to 31.03.2013. The said amount was thereafter transferred to the account of SMVSSL. Though the petitioner opened the account for payment of beneficiaries of adjacent area of Bhagalpur but the payment made to the beneficiaries of adjacent area to Bhagalpur was only to the tune of Rs. 29,184,99/-. It is evident that the purpose of transferring such a huge fund to the account of Bank of Baroda, Bhagalpur was not to facilitate the beneficiaries but to facilitate the misappropriation of fund through the account of SMVSSL by using his forged signature. It is further alleged that Rs. 60 lakhs was fraudulently transferred to the account of M/s Subhangi from the account of

SMVSSL in which the wife of the petitioner is one of the partners. The proprietor of the firm M/s Subhangi namely Sukumar Mukherjee stated that said amount was transferred by the petitioner in his account for investment purposes. The petitioner, thereby abused his official position by transferring such a huge government funds to other bank account in Bhagalpur.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is a man of clean antecedent and he had an unblemished service career. The petitioner has now retired from service. The petitioner had opened the said account on the instructions of the higher authorities for the purpose of payment of compensation to the persons whose land was acquired. Before opening of the aforesaid account, for payment of compensation, the cheques were to be used to be drawn on the account of SLAO at Saharsa, due to which generally payment got delayed and later on even claimants started refusing to accept cheques issued on Saharsa account of SLAO. Hence, to resolve such an issue, new account was opened at Bhagalpur. As far as allegation of diversion of an amount of Rs. 163,03,77,064/-(Rupees one hundred sixty three crores, three lakhs seventy thousands and sixty four) is concerned, from charge-sheet, it is clear that cheque against which the aforesaid amount was transferred in the account of Srijan was having forged signature of the petitioner and it was approved by the experts. Therefore, it is clear that petitioner had no knowledge about the said transaction. The bank statements which was also sent to the office of Special land Acquisition officer, Saharsa was also found forged and fabricated which shows that petitioner had no knowledge about fraudulently transferring Rs.163,03,77,064/-(Rupees one hundred sixty three crores, three lakhs seventy thousands and sixty four) from the account of SLAO, Saharsa to the account of Srijan. So far as transfer of

Rs. 60 lakhs in the account of M/s Subhangi in which the wife of the petitioner is one of the partners, is concerned, the transfer was made between the said firm and Srijan in which the petitioner was, in no way, the beneficiary. Moreover, the investigation is complete, cognizance has been taken and the charge-sheet has already been submitted. The charge-sheet also shows that an amount of Rs. 163,03,77,064/-(Rupees one hundred sixty three crores, three lakhs seventy thousands and sixty four) has already been transferred back to the account of SLAO, Saharsa from the account of Srijan between 01.02.2013 to 20.04.2015. The petitioner is languishing in custody since 06.10.2022.

Learned counsel appearing for the C.B.I has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner was involved in commission of misappropriation of government funds and an amount of Rs. 60 lakhs was transferred to a firm where the wife of the petitioner was one of the partners.

Though, he admits that Rs.163,03,77,064/-(Rupees one hundred sixty three crores, three lakhs seventy thousands and sixty four) has already been transferred back to the account of SLAO, Saharsa from the account of Srijan.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I-II, Patna/concerned court in connection with Special Case No. 8 of 2019 (R.C. Case No. 20/A/2017) RC2172017A0020.

(Sunil Kumar Panwar, J)

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