

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71437 of 2022

Arising Out of PS. Case No.-4 Year-2015 Thana- C.B.I CASE District- Patna

Rama Chandra Behera @ Ram Chandra Behera @ Ramchandra Behera, Son
of Shri Sauti Behera Resident of Biddanasi, Tarini Bihar, P.S. - Bidanasi,
District - Cuttack, State - Odisha.

... .. Petitioner/s

Versus

The Central Bureau of Investigation, Economic Offence Wing, Ranchi.
Jharkhand.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the CBI	:	Ms. Nivedita Nirvikar, Sr. Advocate Mr. Arya Achint, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
counsel for the C.B.I..

02. Let the defect(s), if any, as pointed out by the office,
be removed within a period of four weeks from today.

03. In the present case, the petitioner is apprehending
his arrest in connection with Special Case No. 06 of 2015 arising
out of C.B.I./E.O.U. Ranchi, R.C. No. 04(A) of 2015, registered
on 19.08.2015, for the alleged offence under Sections 120(B) read
with 419, 420, 468, 471 of the Indian Penal Code and Section
13(2) read with 13(1)(d) of the Prevention of Corruption Act,
1988.

04. As per prosecution case, there is allegation of
criminal conspiracy, impersonation, cheating and forgery and
using of forged documents by the petitioner and other co-accused



persons relating to disbursement of 534 loans sanctioned by a particular Branch of Bank of Baroda during the period from 29.05.2012 to 13.06.2014, causing loss of Rs. 495.32 lacs to the Bank. The petitioner is stated to be involved as he has been working as Deputy Regional Manager of Bank of Baroda, Regional Office, Muzaffarpur.

05. Learned counsel for the petitioner submits that petitioner has no role in the offence as alleged. He was not even named in the FIR and he was not posted as Branch Manager or in any other capacity during the relevant time at Pathakdih Chhatpatia Branch, District-Bhagalpur of Bank of Baroda where the fraud is stated to have been committed. The petitioner worked as Deputy Regional Manager, Muzaffarpur and the aforesaid Branch was under control and supervision of the Regional Office Muzaffarpur which was headed by Regional Head and petitioner was working under him. The then Regional Head co-accused Ashok Kumar Sinha and the petitioner were being charged for slackness and negligence as they overlooked the irregularities in large number of loans under BKCC Scheme, which were disbursed at Pathakdih Chhatpatia Branch of Bank of Baroda, District-Bhagalpur. Learned counsel further submits that except for negligence, nothing has been alleged against the petitioner and, moreover, the Regional Head was liable for the same and the



petitioner was working under him. The petitioner did not derive any pecuniary advantage and was not beneficiary of any financial transaction, for which there is no allegation against him. The allegation of negligence and slackness could only result in a misconduct under Service Rule, but could not give rise to criminal prosecution. The investigation in the case is complete and charge-sheet has been submitted and there is no requirement of any custodial interrogation of the petitioner. There is no chance of petitioner absconding from the trial.

06. On the other hand, learned counsel appearing on behalf of Central Bureau of Investigation submits that the petitioner did not take action even when audit reports were presented before him and he was required to take action upon it. He did not taken steps for rectification of irregularities pointed out in the audit report. He even accepted false compliance as claimed by the Branch and thereby facilitated the commission of offence. Learned counsel further submits that there is also allegation of issuance of antedated letter in order to conceal his involvement in commission of offence and the petitioner did not did not ensure execution of order issued for seizure of power of main co-accused person, D.K.P. Ghosh.

07. Having regard to the facts and circumstances and rival submission made on behalf of the parties and considering the



fact that utmost the allegation against the petitioner is that of slackness and negligence, without any allegation of serious nature or of gaining any advantage financially, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-I, Patna/concerned court in connection with Special Case No. 06 of 2015 arising out of C.B.I./E.O.U. Ranchi, R.C. No. 04(A) of 2015 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

