

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1568 of 2023

Arising Out of PS. Case No.-19 Year-2017 Thana- C.B.I CASE District- Patna

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BHIMNANDAN THAKUR Son of Late Chumit Lal Thakur Resident of
Village/Mohalla- Anandbagh Bhikhanpur, P.S.- Ishakchak, District-
Bhagalpur

... .. Petitioner/s

Versus

The Union of India through the Central Bureau of Investigation, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek

For the Opposite Party/s : Mrs.Nivedita Nirvikar, SC CBI

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and learned

Standing Counsel for the Central Bureau of Investigation ('CBI'

in short).

The petitioner has preferred the instant application
for grant of pre arrest bail in a case registered under sections
409, 420, 419, 467, 468, 471, 477-A/ 120B of the Indian Penal
Code and u/s 13(1)(c) & (d) of Prevention of Corruption Act.

The instant case is popularly known 'Srijan Scam'. It
is stated that as a result of conspiracy between the accused
persons including this petitioner, large amounts of money
belonging to the Government was illegally transferred to the
accounts of Srijan Mahila Vikas Sahyog Samiti (SMVSSL). It is
thus stated that as a result of the fraudulent transfer the funds of



the DUDA, Bhagalpur was misused by preparing forged bank vouchers for the year 2014-16.

It is submitted by learned counsel for the petitioner that petitioner petitioner is not named in the FIR rather he is seizure list witness in the case but his name transpired during the course of investigation with an allegation of suspicion only that he being Nazir of DUDA, Bhagalpur has affixed the false counterfoil in the record and maintained in the register. The petitioner was deputed in additional charge of Nazir in the Executive Engineer, DUDA, Bhagalpur but later on his deputation was ended on 30.04.2015 and he handed over charge on 09.01.2016. The petitioner was superannuated on 31.01.2016. It is further submitted that petitioner has fully co-operated during the investigation and there is no allegation of tampering with evidence against him. Charge sheet has already been submitted in the case.

Learned counsel for the CBI opposed the prayer for bail and submitted that petitioner has played active role in criminal conspiracy with other co-accused for fraudulent misappropriation of funds from accounts of DUDA, Bhagalpur. It is submitted that bogus pass book of account No. 10010100015889 of Executive Engineer, DUDA at BOB which



was provided by Sh. Atul Raman, officer BOB and got updated by this petitioner and cheque No. 588953 was falsely reflected as deposited vide entry dated 03.02.2016 i.e. cheque No. 588953 was credited in the account before it was prepared in Nazarat office and received in DUDA, Bhagalpur. It is next submitted that though the cheque No. 588955 was credited in Bank of India but a forged/ bogus counterfoil of Bank of Baroda which was prepared by Amrendra Kumar Yadav, Nazir, Nazarat Section, Bhagalpur and initially by Md. Sarfarazuddin was placed in the records of DUDA by this petitioner for false accounting of the cheque in DUDA cash books and accounts.

Considering the facts of the case, nature of accusation against the petitioner coupled with the fact that petitioner has fully co-operated during the investigation and there is no allegation of tampering with the evidence against him and charge sheet has already been submitted in the case, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, CBI-II, Patna in connection with special Case 7/2019 arising out of RC case No. 19(A)/ 2017, subject to



conditions laid down u/s 438(2) of the Cr. P. C. with the following conditions: -

(I) The Petitioner/accused should not contact the prosecution witnesses or any person acquainted with the facts of accusation against them so as to dissuade them from disclosing the same to the Court or to the police.

(II) The petitioner/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The petitioner/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The petitioner/ accused should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(Prabhat Kumar Singh, J)

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