

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4289 of 2023

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

SANTOSH RAUTH S/o Shri Shayam Sunder Rauth @ S.S. Raut Present at Belpara, Lord Sinha Road, Bank Of Baroda, Post and P.S.- Madhupur District- Deoghar (Jharkhand) Permanent resident of Kalipur Town, Madhupur, Police Station- Madhupur, District- Deoghar (Jharkhand)

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION THROUGH ITS SUPERINTENDENT OF POLICE, PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Nivedita Nirvikar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-05-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Special Case No. 06 of 2015 arising out of R.C. Case No. 4(A) of 2015 arises from C.B.I. / EOW / Ranchi P.S. Case No. RC 0932015A0004 of 2015 dated 19-08-2015 registered under Section 120B read with Section 419, 420, 468 and 471 of the IPC and Section 13 (2) read with 13 (1)(d) of the Prevention of Corruption Act, 1988.

As per the FIR lodged by CBI / EOW / Ranchi on 19-8-2015 Awadesh Kumar Sharma and 170 unknown officials of Bank of Baroda in criminal conspiracy, impersonation, cheating, forgery, using forged document by abusing their official position



sanctioned 534 BKCC loan in favor of fake persons and on the basis of fake identities causing pecuniary loss to the Bank to the extent of Rs. 4,38,28,744/-.

Learned counsel for the petitioner submits that petitioner was posted as Clerk in the Bank and name of altogether 18 persons have come during the course of investigation who were involved in the alleged offence. Learned counsel next submits that petitioner co-operated with the CBI during the course of investigation and his statement was also recorded under Section 164 Cr.P.C. Referring to the counter affidavit filed by the CBI at para-18, learned counsel submits that whenever CBI called the petitioner, the petitioner disclosed several relevant facts during the course of investigation and the CBI in its charge sheet dated 30.03.2017 has proposed that the petitioner may be taken as an 'Approver' in this case to strengthen the prosecution case. Learned counsel next submits that due to some wrong legal advice the petitioner did not challenge the order dated 13-9-2017 by which the anticipatory bail of the petitioner was rejected.

On the other hand learned counsel appearing for the CBI opposes the prayer for bail and submits that the petitioner being Clerk - cum- Cashier of the Bank Of Baroda in the



concerned Branch entered / verified the BKCC loan accounts in the name of non -existing borrowers, made withdrawal against the norms of the Bank and he also disbursed the loan to the conduits in the name of non- existing borrowers and while working in the cash counter on different dates the petitioner handed over loan amount to various conduits and accused Mr. D.K.P Ghosh in the name of non -existing borrowers. She next submits that petitioner and other accused persons has caused huge pecuniary loss to the Bank.

I have heard learned counsel appearing for the parties. From perusal of the material on record it appears that petitioner all along co-operated during course of investigation and the CBI did not take any step for arrest of the petitioner, charge sheet has admittedly been filed on 30.03.2017, C.B.I. in the charge sheet has also proposed that petitioner may be taken as an 'Approver' in this case to strengthen the prosecution case. In view of the clear statement of the CBI made in paragraph- 18 of the counter affidavit, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, C.B.I.-I, Patna in connection with Special Case No. 06 of 2015 arising out of R.C. Case No. 4(A) of 2015 arises from C.B.I. / EOW / Ranchi P.S. Case No. RC 0932015A0004 of 2015 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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