IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10259 of 2024

Arising Out of PS. Case No.-11 Year-2017 Thana- C.B.I CASE District- Patna

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Rajni Priya, Wife Of Late Amit Kumar, W/o Late Amit Kumar, Resident Of 103, Brahman Tola, Sabaur, Village - Sabaur, Anchal - Sabaur, Bhagalpur, Bihar, Pin - 813210

... ... Petitioner/S

Versus

The State Through Central Bureau Of Investigation Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Avinash Kumar- Advocate
For the C.B.I.	:	Ms. Nivedita Nirvikar- Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

8 20-09-2024

1. Heard learned counsel for the petitioner and learned senior counsel appearing for the C.B.I. Ms. Nivedita Nirvikar.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 409, 420, 467, 468, 471, 34, 120B of the Indian Penal Code and Sections 13(2) and 13(1)(c) and (d) of the Prevention of Corruption Act, 1988.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of 12 cases, but then, all the cases emanates from Srijan Scam. It is also submitted that petitioner has been granted the privilege of regular bail in 05 cases, out of 12 cases, but then, one regular bail application has also been rejected. It is next submitted that petitioner is in custody since

11.08.2023. The learned counsel next submits that initially when the FIR was instituted the petitioner was not named in the FIR, but after the case was handed over to the C.B.I., the C.B.I. investigated the case threadbare and thereafter, the role of the petitioner transpired in the case and it was alleged that petitioner was fully aware of the illegal diversion of government funds and after the death of Manorama Devi, she became a part of the said conspiracy and in order to conceal the misappropriation of government funds of Rs.27,23,20,501/- an amount of Rs.21,64,03,279/- was transferred in the DM's account from three accounts of SMVSSL in the Year 2017. Further, petitioner along with Smt. Sarita Jha had jointly signed the cheques for transferring the amount of Rs.1.27 crore, Rs.16,03,03,279/- and Rs.3.34 crores from the account of SMVSSL maintained with Bank of Baroda Bhagalpur Branch to the account of D.M. Bhagalpur. Thereafter, the petitioner along with Subh Laxmi Prasad also signed a joint cheque for transferring an amount of Rs.1 crore on 15.07.2017 through batch credit from the account No.953138989 of M/s SMVSSL to the account of D.M. Bhagalpur. It further transpired that petitioner, being Secretary of SMVSSL, was also an authorized signatory of the bank accounts of SMVSSL and she was aware of the misappropriation of the government funds and in order to conceal the misappropriation, she had returned the funds from the account of M/s SMVSSL to the account of D.M. Bhagalpur.

4. The learned counsel for the petitioner next submits that allegations are in realm of allegations and the C.B.I. after threadbare investigation has submitted charge-sheet against the petitioner and the petitioner is in custody. It is also submitted that since charge-sheet has been submitted, as such, no useful purpose would be served by keeping the petitioner in jail, when she has been granted the privilege of regular bail in five other cases.

5. The the learned senior counsel appearing for the C.B.I. is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that charge-sheet has been submitted and investigation stands completed, as such, no useful purpose would be served by keeping the petitioner in jail when she already has been granted bail in five other cases, but then, the learned senior counsel for the C.B.I. submits that during the course of investigation, the petitioner had not cooperated in the investigation and in the event, if bail is granted, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that

petitioner will not abscond rather will cooperate in the trial to prove her innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna in connection with R. C. Case No.11(A) of 2017.

7. The application stands allowed.

8. However, in the event, if the learned trial Court comes to a conclusion that the petitioner after her release is trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. The learned senior counsel appearing on behalf of the C.B.I. submits that she had received the case diary and the same is being returned.

(Satyavrat Verma, J)

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