**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.23020 of 2024**

Arising Out of PS. Case No.-14 Year-2018 Thana- C.B.I CASE District- Patna

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Arjun Das S/O Late Banarsi Das R/O Village- 542 Nakshtra No. 524, Aa-Ii B, Behind Water Tank 14, New Town, Kolkata, North 24 Parganas, West Bengal-700156

... ... Petitioner/s

Versus

The Superintendent Of Police/ C.B.I And Head Of Branch C.B.I, Acb, Patna. Bihar

... ... Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Prabhu Narayan Sharma, Advocate |
| For CBI | : | Mrs. Nivedita Nirvikar, Sr. Counsel |
| | | Mr. Avinash Kr. Singh, SPP, CBI |
| | | Mr. Ambar Narayan, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**

ORAL ORDER

6 20-09-2024

1. Heard learned counsel for the petitioner and learned Standing counsel for the Central Bureau of Investigation.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with RC Case no. 14S of 2018 giving rise to Special Case no 10 of 2023 (arising out of Bhagalpur Kotwali P.S. Case no. 654 of 2017), registered under sections 420, 409, 419, 467, 468, 471, 120B and 34 of the Indian Penal Code wherein Supplementary Charge-sheet no. 11 of 2023 was filed on 28.6.2023 under section 120B read with 409 and 420 of the Indian Penal Code and section 13(2) read with 13(1)(c)&(d) of the Prevention of Corruption Act.

3. As per the prosecution case, the instant case relates to misuse of funds from Government bank accounts in Bhagalpur, Bihar in a fraudulent and conspiratorial manner for which besides other cases Bhagalpur Kotwali P.S. Case no. 654 of 2017 was registered on 19.9.2017 under sections 420, 409, 419, 467, 468, 471, 120B and 34 of the Indian Penal Code. Pursuant to the notification dated 18.7.2018 of the Government of India, the cases including the F.I.R no. 654 of 2017 was transferred and the investigation taken up by the Central Bureau of Investigation (‘C.B.I’ in short). It was case of the prosecution that pursuant to a conspiracy, proceeds of account payee cheque issue by the D.D.C, Bhagalpur favouring the Block Development Officer, Sanhaula were illegally credited into the accounts of Srijan Mahila Vikas Sahyog Samiti Limited (‘SMVSSL’ in short). It also transpired that on issuance of cheque for payment by the B.D.O, Sanhaula, matching amount were transferred by SMVSSL into the account of the B.D.O, Sanhaula to ensure that the cheques are honored and passed.

4. With respect to the petitioner, the investigation revealed that the D.D.C, Bhagalpur issued a cheque no. 255903 dated 24.3.2008 for Rs. 74,24,000/- in favour of B.D.O, Sanhaula under the Indira Awas Yojana. This cheque was

deposited in the Bhagalpur Branch of the Bank of Baroda by one Manorma Devi and instead of being credited in the account of B.D.O, Sanhaula, the amount was credited in the account of SMVSSL. The investigation further revealed that the petitioner was the maker of the cheque and the corresponding pay-in slip and one A.C. Ghagai was the checker/approver. Thus, it was stated that the petitioner and A.C. Ghagai had misappropriated Rs.74,25,000/- and illegally credited the same in the account of SMVSSL.

5. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. He was falsely implicated in the case in course of investigation after almost five years of registration of the F.I.R. He was posted as a Junior Officer in the Bank of Baroda, Bhagalpur Branch from 30.7.2007 to 9.10.2007 from where he was transferred to Kolkata and he retired on 31.10.2021. The role assigned to the petitioner is that with respect to the aforesaid cheque, he was the alleged maker of the cheque and the corresponding pay-in slip. It is submitted that the C.B.I has not disclosed as to in what manner, if any, the petitioner benefited as a result of the alleged action. The petitioner has all along cooperated in the investigation and supplementary charge-sheet in case of the petitioner has already

been submitted on 21.8.2006 vide Annexure- P/2. The petitioner who retired on 31.10.2021 has been falsely implicated in the case with respect to a cheque allegedly made 15 years earlier in the year 2008. The petitioner undertakes to cooperate in the case/trial and to abide by all conditions which may laid by this Court for his release on bail.

6. The application is opposed by learned Senior counsel appearing for the C.B.I who submits that investigation revealed that the D.D.C, Bhagalpur having issued a cheque for Rs.74,25,000/- in favour of B.D.O, Sanhaula under the Indira Awas Yojana, the amount was not credited in the account of B.D.O, Sanhaula. Investigation revealed that one Manorma Devi had deposited the cheque in the Bhagalpur Branch of Bank of Baroda and the amount was credited in the account of SMVSSL. This petitioner was the maker of the cheque and pay-in slip and the same was checked and approved by co-accused A.C. Ghagai. The amount having been illegally credited in the account of SMVSSL, the same was temporarily misappropriated by the accused. It is submitted that investigation further revealed that on cheques being issued for payment by the B.D.O. Sanhaula, similar matching amounts were transferred from the account of SMVSSL into the account of B.D.O, Sanhaula to

ensure that the same are not dishonored. It is submitted that the petitioner being directly involved, it is not a case for grant of anticipatory bail and the same be rejected.

7. Having heard learned counsel for the parties and taking into consideration the submissions made, as per the prosecution case the cheque issued by the DDC, Bhagalpur in favour of B.D.O, Sanhaula was permitted to be deposited in the account of SMVSSL as a result of conspiracy by the accused persons including the petitioner herein. A perusal of the supplementary charge-sheet (Annexure-P/2) further reveals that large number of persons of Bank of Baroda, Bhagalpur Branch, Bhagalpur Central Co-operative Bank Limited, Bhagalpur Branch and of SMVSSL were involved. The accused persons involved are the petitioner as also A.C. Ghagai, the then Branch Manager, Nabin Kumar Sinha, the then Branch Manager, Sant Kumar Sinha, special-Assistant and Arjun Das, Clerk, all belonging to the Bank of Baroda, Bhagalpur Branch as also Late Bal Mukund Yadav an official, Vijay Kumar Gupta, Clerk, Arvind Kumar Jha, Clerk, all of Bhagalpur Central Co-operative Bank Limited and Late Manorma Devi, Secretary and Sarita Jha, Manager both of SMVSSL. Further the nature of offence being one of banking transaction, the evidence is primarily

documentary in nature which is already in possession of the Investigating Agency.

8. Taking into consideration the above facts and circumstances of the case as also grant of bail to large number of co-accused and the investigation in the case having concluded with submission of supplementary charge-sheet against the petitioner, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with RC Case no. 14S of 2018 giving rise to Special Case no 10 of 2023 (arising out of Bhagalpur Kotwali P.S. Case no. 654 of 2017) on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, C.B.I-II, Patna on the following conditions:-

(1) The petitioner shall remain physically present in court on each date of the case/trial.

(2) The petitioner shall make himself available to the Investigating Agency as and when required.

(3) The petitioner shall cooperate in the trial.

9. In case of violation of any of the above conditions, the learned trial Court will be at liberty to cancel the bail bond of the petitioner and to take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

Harsh/-

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