IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20444 of 2024

Arising Out of PS. Case No.-8 Year-2018 Thana- C.B.I CASE District- Patna

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Rajni Priya W/O Late Amit Kumar R/O Awdhesh Menson, Parvati Lane, P.S- Tikamanjhi, Dist.- Bhagalpur. Present Address- R/O 103, Brahman Tola, P.S- 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. Ajit Kumar, Advocate
For the C.B.I.	:	Mrs. Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

7 12-07-2024 Heard Mr. Ajit Kumar, learned counsel for the petitioner and Mrs. Nivedita Nirvikar, learned senior counsel appearing on behalf of the Central Bureau of Investigation.

2. The petitioner seeks bail, who is in custody since 11.08.2023, in connection with R.C. Case No. 08(A)/2018 arising out of Special Case No. 09 of 2019 registered for the offence under Section 120B read with Sections 409, 420, 467, 468, 471 and 34 of the Indian Penal Code and Sections 13(2) and 13(1)(c) & (d) of Prevention of Corruption Act, 1988.

3. As per the prosecution case, It is one of the case of Srijan Scam cases which relates to illegal transfer and misuse of funds from the Government Bank Account in Bhagalpur and Saharsa in fraudulent and conspiratorial manner. The aforesaid

FIR has been re-registered in CBI on transfer of the said case. An enquiry pertaining to the different accounts of District Nazarat Bhagalpur maintained with Bank of Baroda R.P. Road, Ghantaghar, Bhagalpur and Indian Bank, Patel Babu Road, Bhagalpur was conducted and the inspection team has submitted its report. In the said report, the submission contained fraudulent deception, financial irregularities and misappropriation of Government funds.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and she has falsely been implicated in this case. The petitioner is not named in the FIR and at the relevant point of time she was served as Secretary of Srijan Mahila Vikas Sahyog Samiti Limited, Bhagalpur (in short 'SMVSSL'). The allegation in the FIR is that the petitioner has returned the some amounts through four cheques in account no. 7651(old)/548672141 of District Magistrate, Bhagalpur between 18.02.2017 to 29.03.2017. Rs. 84,30,00,000/- (rupees eighty-four crore thirty lakhs) was credited in the account of SMVSSL on different dates out of which returning total amount of Rs. 71,42,34,000/- (seven-one crore forty-two lakh thirty-four thousand) cannot be fastened over the petitioner as the same is under control of two Government offices which is under the

direct control of District Administration of the State Government. The prosecution has not been able to show as to how this petitioner could have control over the accounts of two government offices which is under the direct control of district administration under the State Government. Late Manorama Devi expired on 13.02.2017 and this petitioner took over the charge as the Secretary of Srijan Mahila Vikas Sahyog Samiti Limited, Bhagalpur through special proceeding convene by District officials, immediately after the death of Manorama Devi. The allegation of frequent transfer of funds from the account of Srijan Mahila Vikas Sahyog Samiti Limited, Bhagalpur to the account of District Magistrate through Cheques, were manipulated at the ends of the District Official/Bank Officials as per their requirements and this petitioner had no rule in such frequent transfer because of the fact that over such cheques only her signature were obtained and entries of such cheques were never allowed to be filled up by the petitioner. The occasion to sign such cheques could only arise in the backdrop of the fact that it is the decision of the district administration to park the entire development funds in the account of Srijan Mahila Vikas Sahyog Samiti to call upon the office bearers to sign such cheques for the purpose of regulating the funds as per the requirements and instruction issued by the competent authority in the district. From a bare perusal of the police report it appears that it is the decision of the district administration which resulted in the transfer of Government funds in the ccount of Srijan Mahila Vikas Sahyog Samiti and after such decision was taken at the level of district administration through the District Magistrate who being the Chief Revenue Officer of the district, no liability could either be fastened upon this petitioner as well as other officials of the Srijan Mahila Vikas Sahyog Samiti.

5. Learned counsel for the petitioner further submits that the petitioner has served for around five months only and therefore, prosecution has not been able to show any act of misrepresentation, cheating being done or forged document being prepared by this petitioner for the purpose of misappropriating the Government fund. The C.B.I. after investigation has submitted charge-sheet in this case against the petitioner on 26.09.2019 and there is no scope to influence the investigation or tempered the evidence and other bank officials.

6. He further submits that other persons, namely, Sant Kumar Sinha has been granted bail by this Court vide order dated 15.12.2021 passed in Cr. Misc. No. 46075 of 2021, Indu

Gupta has been granted bail by this Court vide order dated 16.12.2021 passed in Cr. Misc. No. 43695 of 2021, Sub Laxmi Prasad @ Subh Laxmi Prasad @ Subh Lakshmi Prasad has been granted bail by a co-ordinate Bench of this Court vide order dated 30.03.2022 passed in Cr. Misc. No. 6681 of 2022, Md. Naiyer Alam has been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 28240 of 2023, Barun Kumar has been granted bail by this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 29708 of 2021, Atul Raman has been granted bail by this Court vide order dated 07.12.2021 passed in Cr. Misc. No. 23222 of 2021, Arun Kumar has been granted bail by this Court vide order dated 16.12.2021 passed in Cr. Misc. No. 39899 of 2021 and other co-accused persons have also been granted bail by this Court or by the different co-ordinate Benches of this Hon'ble Court. He further submits that the petitioner is in judicial custody since 11.08.2023.

7. So far as the passport of the petitioner is concerned, learned counsel for the petitioner has filed a supplementary affidavit stating therein that the petitioner does not possess any passport and petitioner has never applied for the issuance of passport at any point of time and presently do not have passport

in her name and she had already made distinct relation from judicial custody through proper channel.

8. Learned senior counsel for the Central Bureau of Investigation, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that being the Secretary of the Srijan Mahila Vikas Sahyog Samiti Limited, Bhagalpur and after the death of Manorama Devi, the petitioner has took charge as a Secretary of the aforesaid Samiti and during her period, the fraud was committed by the accused persons including the petitioner. Petitioner endorsed pay orders issued in the name of the District Welfare Officer with account payee crossing cheque and fraudulently deposited in the account of SMVSSL. The investigation revealed that the 11 Pos (with account payee crossing) favouring in District Welfare Officer (in short DWO) was forwarded with the advise/letter no. 511 dated 24.03.2017 which addressed to Manager to deposit in the account of DWO at BOB, Bhagalpur but amount of Rs. 6,22,08,959/- of above 11 Pos were fraudulently diverted to the account of SMVSSL by using two deposit slip bearing nos. 366046 & 366045 which were signed by the petitioner. The petitioner transferred the amount of Rs. 16,00,000/-, Rs. 25,00,000/- and Rs. 14,00,000/- on 03.04.2017, 15.04.2017 and

25.05.2017 respectively in the account of Indu Gupta W/o Arun Kumar, the DWO without any reason which shows criminal intention in her mind for committing fraud and misappropriation of funds of DWO in conspiracy with Arun Kumar, the then DWO & husband of Indu Gupta apart from the aforesaid the petitioner the petitioner had also transferred the amount of Rs. 25,00,000/- & Rs. 25,00,000/- on 15.04.2017 & 18.04.2017 respectively in the account of late Shri Mahesh Mandal, the then Nazir, Zila Kalyan Padhadhikari Office. This shows that there was a conspiracy among Zila Kalyan Officials and the petitioner. The Central Bureau of Investigation has submitted the charge-sheet on 26.09.2019 apart from that the petitioner carries twelve cases other than the present one. The bail of the petitioner in connection with R/C No. 14 of 2017 is rejected vide order dated 22.02.2024 passed in Cr. Misc. No. 11113 of 2024 by the co-ordinate Bench of this Hon’ble Court.

9. Considering the facts and circumstances of the case and the fact that the C.B.I. has already filed charge-sheet on 26.09.2019, investigation is completed, other similarly situated persons have already been granted bail by this Court or by the different co-ordinate Benches of this Court and the petitioner being a lady is in judicial custody since 11.08.2023, let the,

above named, petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II at Patna in connection with R.C. Case No. 08(A)/2018 corresponding of Special Case No. 09 of 2019 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) The Court below shall verify from the Passport Office, Patna that whether the petitioner possesses any passport or not, and if the report of the passport office, Patna suggests that the petitioner possesses valid passport, then the bail bond of the petitioner will not be accepted by the learned court below.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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