

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27175 of 2024

Arising Out of PS. Case No.-16 Year-2018 Thana- C.B.I CASE District- Patna

Prem Kumar Sinha Son Of Late Rajendra Prasad Sinha, Resident of Village -
Pipra, Police Station - Garahni in the District of Bhojpur at Arrah

... .. Petitioner

Versus

The Superintendent Of Police C.B.I. Cum Head Of the Branch
C.B.I./ACB/Patna, Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate
For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. Advocate
Mr. Arya Achint, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 06-09-2024 Heard learned counsel for the petitioner and learned
senior counsel appearing on behalf of CBI.

02. In the present case, the petitioner is apprehending his arrest in connection with Special Case No. 11 of 2023 arising out of RC 16(S)/2018 registered for the alleged offences under Sections 409, 419, 420, 467, 468, 471, 120B/34 of the Indian Penal Code and Sections 13(2) r/w 13(1)(c) & (d) of the Prevention of Corruption Act, 1988.

03. As per prosecution case, the allegation against the petitioner is that a cheque was issued by the DRDA, Bhagalpur in favour of Block Development Officer, Jagdishpur, Bhagalpur and the petitioner processed the same as maker, which was checked by co-accused Nabin Kumar Saha, and it was credited



in the account of Srijan Mahila Vikash Sahyog Samiti Limited (SMVSSL). Further allegation is that the act was part of a conspiracy in which funds from the accounts of District Government Officials were diverted to the account of SMVSSL on a large scale.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the cheque was presented by SMVSSL for credit in its account and the petitioner being a bank official was duty bound to credit the same in the account of the presenter in favour of whom the cheque has been presented through the pay-in-slip. Learned counsel further submits that the name of the petitioner came up in this case after 07 years of occurrence by way of a supplementary charge-sheet and the petitioner was not apprehended. The said charge sheet has been submitted on 30.06.2023 without there being any custodial interrogation or production of the petitioner before the court. The petitioner has been made accused in seven cases including the present one but the CBI has registered separate FIRs and made the petitioner accused though the cases should have been registered under single FIR. Learned counsel further submits that the petitioner



has all along co-operated with the Investigating Agency and never absconded and never disobeyed the summons. The petitioner has been granted regular bail in four cases and his prayer for anticipatory bail is pending in three cases before this Court including the present case. Learned counsel further submits that the fact of the case shows there has been no embezzlement or misappropriation of government fund by the petitioner and there is material to show that the petitioner received any pecuniary benefit. Learned counsel further submits that a number of accused persons in similar cases have been granted anticipatory/regular bail by the different Co-ordinate Benches as well as by this Court vide order dated 19.07.2023 passed in Cr. Misc. No. 20280 of 2023, order dated 07.11.2022 passed in Cr. Misc. No. 42035 of 2021, orders dated 27.04.2023 passed in Cr. Misc. Nos. 57109 of 2022, Cr. Misc. No. 61924 of 2022, Cr. Misc. No. 17786 of 2022 and Cr. Misc. No. 57582 of 2022, order dated 27.03.2023 passed in Cr. Misc. No. 17174 of 2022, order dated 21.11.2022 passed in Cr. Misc. No. 11689 of 2022, orders dated 29.03.2023 passed in Cr. Misc. No. 32150 of 2022, Cr. Misc. No. 60477 of 2022 and Cr. Misc. No. 34032 of 2022, order dated 21.11.2022 passed in Cr. Misc. No. 11689 of 2022, orders dated 20.03.2023 passed in Cr. Misc. No. 12204 of



2022 and Cr. Misc. No. 56515 of 2022, respectively. Learned counsel also referred to the decision of Hon'ble Supreme Court in the case of *Mahdooa Bava Vs. Central Bureau of Investigation*, decided on 20.03.2023 (*Criminal Appeal No... of 2023 arising out of SLP (Crl.) No. 376 of 2023*) on the point that if the petitioner apprehends his arrest that he may be remanded to the custody by the trial court though the Investigating Agency did not think any need for his custodial interrogation in the matter, the petitioner may seek protection. Learned counsel further submits that similarly placed co-accused person Baban Prasad Sinha has been granted anticipatory bail by the Hon'ble Apex Court vide order dated 08.12.2022 passed in SLP (Cr.) No. 5504 of 2022.

05. Learned senior counsel appearing on behalf of CBI though opposes the submission made on behalf of the petitioner, however, she further submits that she has instruction that there is no need of custodial interrogation of the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the probability of false accusation in the aforesaid background, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight



weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna in connection with RC No. 16(S)/2018, giving rise to Special Case No. 11 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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