IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31308 of 2024

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

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Prem Kumar Sinha S/O Late Rajendra Prasad Sinha R/O Village- Pipra, P.S-Garahni, Distt.- Bhojpur At Arrah.

... ... Petitioner/s

Versus

The Superintendent of Police C.B.I Cum Head Of The Branch C.B.I/Acb/Patna. Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhu Narayan Sharma, Advocate
For the CBI	:	Mrs. Nivedita Nirvikar, Sr. Counsel
		Mr. Pravin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

7 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 issued 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 it was stated that investigation revealed that cheque no. 071577 dated 11.5.2008 for Rs. 40,80,000/- issued by D.D.C, Bhagalpur in favour of B.D.O, Sanhaula under the Indira Awas Yojana was debited

from the account on 14.5.2008, however the proceeds were not credited in the account of B.D.O, Sanhaula. Investigation revealed that this cheque was deposited by one Manorma Devi at Bank of Baroda, Bhagalpur Branch in the account of SMVSSL and the amount was credited in the account of SMVSSL on 14.5.2008. It is further stated that the petitioner was the checker/approver.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He was posted in the Bhagalpur Branch of Bank of Baroda from February, 2007 to 6.6.2010 as Marketing Officer, usually called as Manager and ultimately retired in the month of November, 2022. It is submitted that from the prosecution case itself it would be evident that the cheque was deposited by Manorma Devi through deposit slip in favour of SMVSSL on 14.5.2008. The allegations of criminal conspiracy are false and incorrect. The petitioner has all along cooperated in the investigation and has obeyed all the summons of the C.B.I. In a case of the year 2017 in which the investigation was taken up by the C.B.I in the year 2018, the name of the petitioner has transpired after six years and a supplementary charge-sheet has already been submitted on 28.6.2023 vide Annexure-P/2. The petitioner

undertakes to cooperate in the case/trial.

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. 40,80,000/- 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 on 14.5.2008. 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 accused persons including the petitioner herein. A perusal of the supplementary charge-sheet (Annexure-P/2) further reveals that in the conspiracy, 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 the custody till conclusion of the trial.

(Partha Sarthy, J)

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