IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48921 of 2024

Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

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Rajni Priya, W/o Late Amit Kumar, R/O Awadhesh Mansion, Pranwati Lane, Tilka Manjhi, P.S.- Tilka Manjhi, Dist-Bhagalpur, Bihar

... ... Petitioner/s

Versus

The State of Bihar through Central Bureau of Investigation Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar, Advocate
		Mr. Avinash Kumar, Advocate
For the Opposite Party/s	:	Mrs. Nivedita Nirvikar, SSC, CBI

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

5 30-08-2024 Heard learned counsel for the petitioner and learned senior counsel appearing on behalf of the Central Bureau of Investigation.

2. In the present case, the petitioner seeks bail in connection with Special Case No. 14/2020, arising out of RC No.17(A)/2017, registered for the alleged offences under Sections 120B, 409, 420, 467, 468, 471, 477A of the Indian Penal Code and Sections 13(2), 13 (1) (c) & (d) of the Prevention of Corruption Act, 1988.

3. As per the prosecution case, the petitioner has been working as Secretary of Srijan Mahila Vikas Sahyog Samiti Limited (hereinafter referred to as 'SMVSSL'). The allegation is that the petitioner and other co-accused persons in conspiracy

with each other fraudulently diverted the amount of Rs. 4,85,42,000/- from Account No. 10010100013447 in March 2014, an amount of Rs. 10,92,57,512/- from Account No. 10010100015640 in April 2015, an amount of Rs. 11,09,27,235/- from Account No. 10010100013931 in November 2013, an amount of Rs. 5,28,65,268/- from Account No. 10010100016181 in January 2017 from the accounts of DDC-cum-CEO, Zila Parishad, Bhagalpur in Bank of Baroda to the account of SMVSSL. It has been alleged that an amount of Rs. 16,00,89,751/- has been fraudulently diverted from Account No. 6115136905 in the name of DDC-cum-CEO, Zila Parishad, Bhagalpur in Indian Bank in March 2013 to the account of SMVSSL. It has also been alleged that an amount of Rs. 10,18,62,585/- was fraudulently withdrawn from the Account No. 10010100010844 of BRGF (General) Yojna maintained with Bank of Baroda, Bhagalpur during the period from 27.02.2009 to 08.08.2017 and out of the said amount, an amount of Rs.10,00,00,000/- was fraudulently transferred to the account of SMVSSL, against cheques which were not received by the office of DDC-cum-CEO.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this

case. The thrust of allegation against the petitioner is that the organization in which she has been working as a Secretary was involved in diversion of funds from the government accounts to its own accounts and, thereafter, further transferring the funds in the government accounts so as to hide their unlawful activities. The learned counsel further submits that the petitioner was married to the son of deceased co-accused Manorama Devi in the year 2009 and the SMVSSL came in existence since 1996 and the allegations are for the period from 2009 to 2017. The petitioner became the Secretary of the SMVSSL only after death of her mother-in-law, namely Manorama Devi on 13.02.2017. The learned counsel further submits that thus, the only allegation against the petitioner is that she returned some of the amounts vide four cheques in the account of District Magistrate, Bhagalpur between 18.02.2017 to 29.03.2017. The learned counsel further submits that there has been allegation of transfer of Rs.84,30,00,000/- in the account of SMVSSL on different dates and the prosecution has failed to show how the petitioner could have control over the accounts of two government offices which is under the direct control of district administration of the State Government. The learned counsel further submits that after the petitioner was elected as a

Secretary of SMVSSL, she was asked to put her signature on a number of blank cheques of different banks immediately, and thereafter she proceeded to carry out last rites of her mother-in-law. The learned counsel further submits that forgery and cheating of signatures of authorities and even this petitioner could not be ruled out as a number of persons have been made accused and there are charges of forging the signatures of the authorities. The learned counsel further submits that the husband of the petitioner was seriously ill and she was under tremendous pressure as she has to immediately rush for medical check up of her husband, who died in course of treatment. Thereafter, corona period intervened, the petitioner has also to look after her only child and, for this reason, she could not appear before the court earlier. The learned counsel further submits that the petitioner is in custody since 11.08.2023 and she has been made accused in a number of cases of similar nature and she has been granted bail in two such cases. The learned counsel also submits that several other co-accused persons have been granted bail by different Coordinate Benches. The charge sheet has been submitted.

5. *Per contra*, learned Senior Standing Counsel appearing on behalf of CBI vehemently opposes the submission made on behalf of the petitioner. The learned senior counsel

further submits that it is a big conspiracy in which huge government funds was transferred into the account of SMVSSL and when need was opened, the petitioner transferred the fund to the government accounts so that the cheques issued by the government authorities did not get dishonoured. The learned counsel further submits that the defence of the petitioner on this account should not be taken into positive manner. The learned senior counsel further submits that the funds were meant for development work in the concerned district and the same were diverted and misused by the petitioner with the help of other co-accused persons and the offence would come under the nature of socio economic offence and the Hon'ble Supreme Court in the cases of ***Nimmagadda Prasad vs. Central Bureau of Inveestigation***, reported in ***(2013) 7 SCC 466*** & ***State of Bihar vs. Amit Kumar*** reported in ***(2017) 4 SCC (Crl.)*** *77* has held that economic offences constitute a class apart and need to be visited with a different approach in the matter. The learned senior counsel further relies on the judgment of the Hon'ble Supreme Court in the case of ***Manik Madhukar Sarve & Ors. vs. Vitthal Damuji Meher & Ors. (Criminal Appeal No. 3573 of 2024)*** wherein, in paragraph 19, it has been held that Courts while granting bail are required to consider relevant factors such as nature of the accusation, role ascribed to the accused concerned, possibilities/chances of tampering with the evidence and/or witnesses, antecedents, flight risk etc.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is stated to have joined the SMVSSL after death of her mother-in-law and only allegation is about transfer of funds from SMVSSL to the accounts of the government authorities from where the funds were diverted and further considering the fact that charge sheet has been submitted against the petitioner and there is no likelihood of the conclusion of the trial in near future coupled with the fact that several other co-accused persons have been granted bail and also considering the period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna in connection with Special Case No. 14 of 2020 (RC No. 17/A/2017), subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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