IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57675 of 2024

Arising Out of PS. Case No.-18 Year-2018 Thana- C.B.I CASE District- Patna

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Nabin Kumar Saha @ Navin Kumar Saha, S/o Bhim Narayan Saha, R/o Village- Babhangama, P.S- Barahat, Distt.- Banka, at present residing at Hope Anand, Flat No.-205, West Boring Canal Road, Patna.

... ... Petitioner/s

Versus

The Central Bureau of Investigation, Dr. S.K. Singh Path, Bailey Road, Patna.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Adv.

For the Opposite Party/s : Mr. Avinash Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 18-12-2024 Heard Mr. Pranav Kumar Jha, learned counsel for the petitioner and Mr. Avinash Kumar Singh, learned Special P.P. for the CBI.

2. The petitioner apprehends his arrest in connection with Special Case No. 7 of 2023 arising out of RC No. 18(S)/2018, registered for the offences punishable under Sections 34, 120-B, 406, 409, 420, 467, 468 and 471 of the Indian Penal Code and after investigation supplementary charge-sheet has been submitted bearing Charge Sheet No. 13/2023, dated 28.06.2023 under Section 120B read with 409, 420 of the I.P.C. read with Section 13(2) read with 13(1)(c)&(d) of the P.C. Act, 1988.

3. The present case relates to Srijan scam with an

accusation of misappropriation/misuse of public money from the Government Bank Account, Bhagalpur, Bihar to the account of Srijan Mahila Vikas Sahyog Samiti Limited (hereinafter referred to as the 'SMVSSL'). The name of the petitioner has sprung up during the course of investigation when the investigating officer filed supplementary charge-sheet on 28.06.2023. During the course of investigation, it reveals that the maker of the transaction related to Cheque No. 23941 dated 01.10.2008 to the tune of Rs.40,34,000/- was processed through one Arjun Das and the checker of the above said transaction is said to be the petitioner. On the alleged date of occurrence, the petitioner was holding the post of Branch Manager of Bank of Baroda.

4. It is submitted on behalf of the petitioner that the FIR was instituted way back in the year 2017 and the first charge-sheet has been submitted on 31.12.2019 where the name of the petitioner was not transpired. Subsequently, when the supplementary charge-sheet has been filed on 28.06.2023, the petitioner has been made accused in the present case with the afore-noted allegation. It is the contention of the petitioner that the petitioner is neither the beneficiary of the amount in question nor there is any material, which suggests his complicity

in causing any loss to the government. It is further contended that the petitioner was posted as Branch Manager, Bank of Baroda, Bhagalpur from 04.07.2008 to 20.06.2011 but at that point of time, there was no complaint from any Authority of the State nor there was any audit objection. It is also contended that the name of the petitioner has transpired after six years of the institution of the FIR. Co-accused Arjun Das, who is said to be maker of the cheque, has been accorded the privilege of bail by this Court in Cr. Misc. No. 16712 of 2024 vide order dated 20.03.2024. The petitioner is a retired Branch Manager and the entire case is based on documentary evidence. There is no allegation against the petitioner of tampering the evidence or relevant documents and, in fact, all the evidences and documents are in custody of C.B.I. and the investigation has already come to an end.

5. On the other hand, learned counsel for the CBI vehemently opposed the bail application and submitted that the complicity of the petitioner has been found during the course of investigation and he is said to be checker of the cheque in question through which an amount of Rs.40,34,000/- has been credited in the account of the SMVSSL. Apart from the aforesaid fact, the petitioner is also accused in thirteen other cases.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime has already been complete and no custodial interrogation is required, coupled with the fact that the petitioner is a retired Branch Manager and the co-accused person having identical allegation has been allowed the privilege of anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge CBI-II, Patna in connection with Special Case No. 07/2023, arising out of R.C. Case No. 18/S/18 subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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