IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20315 of 2025

Arising Out of PS. Case No.-12 Year-2018 Thana- C.B.I CASE District- Patna

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Hare Krihna Adak Son of Late Abinash Chandra Adak R/o Village - Jatimati, P.O.- New Township Digha, P.S.- Digha, Distt.- Purb Medinipur, West Bengal - 711301.

... ... Petitioner/s

Versus

The Central Bureau of Investigation (C.B.I.), Patna Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh, Advocate
For the C.B.I	:	Mr. Manoj Kumar Singh, Advocate
	:	Mr. Ankit Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-08-2025 Heard Mr. Uday Pratap Singh, learned counsel for the petitioner and Mr. Manoj Kumar Singh, learned counsel for the Central Bureau of Investigation.

2. The petitioner is apprehending his arrest in connection with FIR No.12/S/18 arising out of Kotwali (Bhagalpur) P.S. Case No.650 of 2017 for the offences punishable under Sections 34, 120B, 409, 419, 420, 467, 468 and 471 of the Indian Penal Code.

3. As per the First Information Report, it is alleged that there is illegal transfer and misuse of funds from Government Bank accounts in Bhagalpur, Bihar in fraudulent and conspiratorial manner.

4. Learned counsel for the petitioner submits that

petitioner is innocent and he has falsely been implicated in the present case. The present FIR is instituted in 2017 and the same was transferred to CBI and accordingly case was registered as RC 12/S/2018 on 16.08.2018 against the then Branch Managers of Bank of Baroda, Bhagalpur, along with the officers bearers of Srijan Mahila Vikash Sahyog Samiti Ltd., Sabaur and others.

5. Learned counsel for the petitioner submits that CBI after investigation submitted chargesheet bearing No.27/2019 dated 30.12.2019 against accused persons namely, Sant Kumar Sinha, Nabin Kumar Saha and Sarita Jha. The petitioner name was not figured in the aforesaid chargesheet and his name transpired in the supplementary chargesheet filed by the investigating officer more than five years of lodging of the present FIR. From perusal of the supplementary charge sheet, it is evident that the petitioner's name appears in the paragraph no.xix. The allegation in the chargesheet is that the petitioner in the capacity of a checker, passed a cheque bearing No.042289 of Rs. 1,21,80,000/-(Rupees One Crore Twenty One Lakh Eighty Thousand) issued by DDC, Bhagalpur in favour of Srijan.

6. Learned counsel for the petitioner submits that the petitioner in the capacity of maker and checker, passed cheques bearing No. 141024 for Rs. 84,51,700/- (Rupees Eighty

Four Lakh Fifty One Thousand Seven Hundred) and bearing No.333010 of Rs.28,20,000/-(Rupees Twenty Eight Lakh Twenty Thousand) issued by DDC, Bhagalpur in favour of Srijan. The petitioner has been charges under Section 120B, 409 and 420 of the Indian Penal Code, 1860 as well as Section 13(2) read with Section 13(1)(c) and (d) of the Prevention of Corruption Act, 1988.

7. Learned counsel for the petitioner submits that during investigation, it was found that a total of Rs.5,62,21,313/-(Rupees Five Crore Sixty Two Lakh Twenty One Thousand Three Hundred Thirteen) was deposited from unknown sources, while Rs. 5,58,83,263(Five Crore Fifty Eight Lakh Eighty Three Thousand Two Hundred Sixty Three) was withdrawn, leaving an excess deposit of Rs. 3,38,083(Three Crore Thrity Eight Lakh Eight Three) in the informant's account.

8. Learned counsel for the petitioner submits that petitioner was not named in the FIR. He has fully cooperated with the investigating agency, making himself available. It is clear from the aforesaid that custodial interrogation of the petitioner is not required in the present case. The petitioner is retired personnel of about 68 years old and he has performed his

official duty in accordance with bank's regulations, verifying the cheques in question based on the accompanying deposit slips and this case does not involve embezzlement of public funds.

9. Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Apex Court in **Mahdoom Bava vs. CBI**, reported in **2023 SCC OnLine SC 299** and Hon'ble Apex has observed that *"If an accused had not been arrested during the investigation, it is difficult to accept that the custody of an accused at a later stage would be required."*

10. He further submits that *modus operandi* of the entire srijan cases as alleged is almost the same and allegation against the government officials is of non-discharge their duties and it appears from the aforesaid that the petitioner is not beneficiary of the present transaction and the similarly situated co-accused persons, namely, Nand Kishore Malviya, Banshidhar Jha and Dinkar Tigga have been granted the privilege of anticipatory bail by this Court vide order dated 23.08.2024, 27.09.2024, 30.01.2025 in Cr. Misc. No. 8070 of 2024, Cr. Misc. No. 61232 of 2024 and Cr.Misc No. 77149 of 2024.

11. Learned counsel for the CBI has vehemently opposed the prayer for bail of the petitioner and submits that the supplementary chargesheet was filed against the petitioner on

28.06.2023 and during investigation it was revealed that the petitioner was the then Assistant Manager, Indian Bank Bhagalpur Branch was chequer and the petitioner has verified the cheque which was issued in the favour of the BDO and later on the same was credited in the account of srijan. He further submits that petitioner carries eleven criminal antecedents.

12. Having heard learned counsel for the parties, perused the records and considering the aforesaid judgment and the fact that similarly situated co-accused persons have been granted the privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Special Judge, CBI-II, Patna in connection with RC No.12/S/18, giving rise to Spl.Case No.08/2023 arising out of Kotwali (Bhagalpur) P.S. Case No. 650 of 2027, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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. 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 bond 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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