IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77149 of 2024

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

==

Dinkar Tigga Son of Late Abnezar Tigga Resident of Village - Patel Nagar Road No.1, Hesag, Near Vasundhara Apartment, Hatia, P.S. -Jagarnathpur, District - Ranchi, Jharkhand - 834002

... ... Petitioner/s

Versus

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

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate
For the CBI	:	Mr. Avanish Kumar Singh, Advocate
	:	Mr. Ambar Narayan, Advocate
	:	Mrs. Barkha, Advocate
	:	Mr. Mukul Kumar Singh, Advocate

==

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 30-01-2025 Heard Mr.Uday Pratap Singh, learned counsel for the petitioners and Mr. Avanish Kumar Singh, learned counsel for the Central Bureau of Investigation.

2. The petitioner is apprehending his arrest in connection with FIR No.RC023201850012, FIR dated 16.08.2018, Spl. Case No.08 of 2023 arising out of Kotwali (Bhagalpur) P.S.Case No.650 of 2017, registered for the offences punishable under Sections 34, 120B, 409, 419, 420, 467, 468 and 471 of IPC and after investigation CBI has filed charge sheet u/s 34, 120B, 409, 419, 420, 467, 468 and 471 of IPC 13(2) r/w 13(1)(c) & (d) PC Act 1988.

3. The prosecution story in brief is that in pursuance of notification no. B CBI-80-05/2017. HP-9676/Patna dated

11.12.2017 of the Government of Bihar, Home Department, Patna and Notification no. 228/07/2018-AVD-II dated 18.07.2018 of the Department of Personnel & Training, Government of India, New Delhi, the instant case is re-registered in CBI, ACB, Patna after taking over Kotwali PS case no. 650/2017 dated 18.09.2017 u/s 34, 120(B), 409, 419, 420, 467, 468 and 471 of IPC against the then Branch Manager, Bank of Baroda, Dr. R.P. Road, Ghantaghar, Bhagalpur, Bihar all office bearers and unknown employees of Srijan Mahila Vikas Sahyog Samiti Ltd, Sabour. Bhagalpur. The case is related to 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 the petitioner was not named in the FIR and his name has been surfaced in the second supplementary chargesheet and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that after the investigation the Central Bureau of Investigation (CBI) has filed the chargesheet on 30.12.2019 but from a bare perusal of the FIR it appears that

the petitioner's name was not mentioned in the first charge sheet, petitioner has been implicated in the supplementary charge sheet filed by the investigating officer more than five years after the institution of present case. In the chargesheet it was alleged by the petitioner that during his tenure as Assistant Branch Manager of Indian Bank, Bhagalpur Branch in 2008, he verified cheque no. 255937 dated 11.07.2008, issued in favour of BDO Shahkund. It is further alleged in the chargesheet that the proceeds of the cheque, amounting to Rs. 60,00,000/-(Sixty Lacs), were credited to the account of SMVSSL, constituting an illegal withdrawal from a government account, as mentioned in paragraph VI(1) of the supplementary charge sheet. Learned counsel for the petitioner submits that the petitioner is a retired 65 years old person and has been falsely implicated in the present case merely on the basis of suspicion and from a bare perusal of the chargesheet it appears that the petitioner was simply performing his official duties in accordance with the bank's regulations, verifying the cheque in question based on the accompanying deposit slips and it appears that the present case does not involve embezzlement of public funds. Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Apex Court in the case of **Mahdoom Bava Vs. CBI,** reported in **2023 SCC OnLine SC 299** and Hon'ble Apex Court 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*".

5. Learned counsel for the petitioner submits that modus operandi of the entire Srijan Scam as alleged is almost the same and allegation against the government officials is of non-discharge their duties and according doubted their involvement by entering into conspiracy with the same and it appears that the petitioner is not the beneficiary of the present transaction. Learned counsel for the petitioner submits that two accused persons namely, Nand Kishore Malviya and Banshidhar Jha have been granted privilege of anticipatory bail by this Court vide order dated 23.08.2024 and 27.09.2024 passed in Cr. Misc. Nos.8070 of 2024 and 61232 of 2024.

6. Mr. Avanish Kumar, learned counsel for the CBI has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that a supplementary chargesheet was filed against the petitioner on 28.06.2023 and during the investigation it was revealed that the petitioner is the then Assistant Manager of Indian Bank Bhagalpur Branch in 2008 and the petitioner has verified the cheque which was issued in

favour of the BDO and later on the same was credited in the account of SMVSSL.

7. Having heard learned counsel for the parties, perused the records and considering the aforesaid judgments of the Hon'ble Apex Court in the case of **Mahdoom Bava Vs. CBI,** reported in **2023 SCC OnLine SC 299,** let the petitioner, above named, in the event of his 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.25,000 (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge CBI-II, Patna in connection with FIR No.RC023201850012, FIR dated 16.08.2028, Spl. Case No.08 of 2023 arising out of Kotwali (Bhagalpur) P.S.Case No.650 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS,2023 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/her absence on two consecutive dates without sufficient reason, his/her 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/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	