

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78231 of 2024

Arising Out of PS. Case No.-16 Year-2018 Thana- C.B.I CASE District- Patna

Banshidhar Jha S/O Sri Janardan Jha R/O Budhai Tola, Bhikhanpur, Bhath Road, P.S.- Ishakchak, Distt-Bhagalpur.

... .. Petitioner/s

Versus

The central Bureau of Investigation (C.B.I.) Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 83852 of 2024

Arising Out of PS. Case No.-16 Year-2018 Thana- C.B.I CASE District- Patna

Ram Krishna Jha @ R. K. Jha Son of Sri Muninath Jha R/o Brahman Tola P.S.- Sabaur District- Bhagalpur

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 473 of 2025

Arising Out of PS. Case No.-16 Year-2018 Thana- C.B.I CASE District- Patna

Praveen Kumar Son of Sri Bishnu Deo Chaudhary @ Sri Bishnu Deo Resident of Road No. 10, Magadh Colony, P.S. - Chandauti, District - Gaya

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78231 of 2024)

For the Petitioner/s : Mr. Prasoon Shekhar, Advocate
Mr. Rajesh Kumar, Advocate
Mr. Ankit Kumar, Advocate

For the Opposite Party/s : Ms. Nivedita Nirvikar, Sr. Advocate, CBI
Mr. Pravin Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 83852 of 2024)

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Ms. Nivedita Nirvikar, Sr. Advocate, CBI
Mr. Pravin Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 473 of 2025)



For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Ms. Nivedita Nirvikar, Sr. Advocate, CBI
Mr. Pravin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-02-2025 Since these three applications arise out of RC 16(S)/2018 (Special Case No. 11 of 2023), as such, they have been taken up together and are being disposed of by this common order.

02. Heard learned counsel for the petitioner and learned senior counsel appearing on behalf of CBI.

03. In the present case, the petitioner is apprehending his arrest in connection with RC 16(S)/2018, giving rise to Special Case No. 11 of 2023, registered for the offences punishable under Sections 120B r/w Section 409, 420 of the Indian Penal Code and Sections 13(2) r/w 13(1)(c) & 13(1)(d) of the Prevention of Corruption Act, 1988.

04. As per prosecution case, the petitioners were found involved in unauthorized transfer and misappropriation of government money from the account of administrative officials to the private account of Srijan Mahila Vikash Sahyog Samiti Limited (SMVSSL) and *vice versa*. The allegation against the petitioner-Banshidhar Jha is that from his possession a hard-disk containing several files was seized containing statement of A/c No. 10010100007272, A/c No. 10010100000574 and A/c No.



10010100009783 of Block Development Officer, Jagdishpur, Bhagalpur of Bank of Baroda. Further allegation against petitioner-Banshidhar Jha is that though he had been running computer graphics and printing press, he used to print fake contents of bank statement in the passbook. Allegation against petitioner-Ram Krishna Jha is that he, in criminal conspiracy with co-accused Manorama Devi, diverted a cheque for an amount of Rs. 50,00,000/- into the account of SMVSSL maintained in the Indian Bank while working as an Assistant Manager in the said bank. Similarly allegation against petitioner-Praveen Kumar is that he being checker, in criminal conspiracy with Manorama Devi and Sarita Jha illegally passed the cheque for an amount of Rs. 1,0000,000/- which was diverted and credited into the account of SMVSSL.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The name of petitioners did not find mention in the first charge-sheet but after over 4.5 years of the submission of the said charge-sheet, supplementary charge-sheet has been submitted naming the petitioner and nine others. Learned counsel further submits that the fact of the case shows there has been no misappropriation of government fund by these



petitioners and there is no material to show that the petitioners received any pecuniary benefit. Learned counsel further submits that only allegation against petitioner-Banshidhar Jha is that a hard disk was seized from him in which some materials related to account of Block Development Officer, Jagdishpur were found. Except for that, there is no material against this petitioner. Learned counsel further submits that after submission of charge-sheet there remained no need for custodial interrogation of this petitioner. Moreover, this petitioner was arrested by CBI in Srijan Scam related cases in the year 2017 and remained in custody till April, 2022 and not a single application was moved for remand of this petitioner in connection with the present case, which shows the CBI did not feel any requirement of custodial interrogation of this petitioner. Learned counsel further submits that so far as the other two petitioners, Ram Krishna Jha and Praveen Kumar, are concerned, their role was only limited to verifying the documents which were presented to them, which specified the bank account details in which the cheques were to be deposited. The petitioners acted in good faith and in accordance with the practice, processed the cheques as checkers. The investigation is complete and charge-sheet has been submitted and custodial



interrogation of these two petitioners is also not required. Learned counsel further submits that the petitioner-Ram Krishna Jha remained in custody from September, 2018 to May, 2022 and petitioner-Praveen Kumar remained in custody from 05.07.2019 to 15.08.2022 but the CBI did not seek their remands, which shows their custodial interrogation was not required. Moreover, it is after lapse of four and half years that the petitioners have been made accused in this case and there is no substantive material to connect him with the offence as alleged.

06. Learned counsel relied on the decision of Hon'ble Supreme Court in case of *Mahdoo Bava Vs. CBI*, reported in **2023 SCC OnLine SC 299**, wherein it has been held that if an accused had not been arrested during the investigation, it could not be accepted that custody of accused any later stage would be required. Learned counsel further referred to the decision of Hon'ble Supreme Court in the case of *Sanjay Chandra Vs. Central Bureau of Investigation*, reported in **2011 SCC OnLine SC 1502** wherein the Hon'ble Supreme Court in Paragraph Nos. 21, 39 and 46 held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial



by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

39. Coming back to the facts of the present case, both the courts have refused the request for grant of bail on two grounds: the primary ground is that the offence alleged against the accused persons is very serious involving deep-rooted planning in which, huge financial loss is caused to the State exchequer; the secondary ground is that of the possibility of the accused persons tampering with the witnesses. In the present case, the charge is that of cheating and dishonestly inducing delivery of property and forgery for the purpose of cheating using as genuine a forged document. The punishment for the offence is imprisonment for a term which may extend to seven years. It is, no doubt, true that the nature of the charge may be relevant, but at the same time, the punishment to which the party may be liable, if convicted, also bears upon the issue. Therefore, in determining whether to grant bail, both the seriousness of the charge and the severity of the punishment should be taken into consideration.

46. We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. At



the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI.”

07. Learned counsel for the petitioners further submits that the petitioners undertake to cooperate with the trial and would make themselves available before the learned trial court whenever their presence would be required. Learned counsel further submits that co-accused person, namely Prem Kumar Sinha, has been granted anticipatory bail by this Court vide order dated 06.09.2024 passed in Criminal Misc. No. 27175 of 2024.

08. Learned senior counsel appearing on behalf of CBI opposes the submission made on behalf of the petitioner. Learned senior counsel submits that so far as petitioners Ram Krishna Jha and Praveen Kumar are concerned, they did not follow the practice for scrupulous examination of the documents as the cheques issued in the name of different beneficiaries were diverted into the account of SMVSSL. Learned senior counsel further submits that so far as her instructions go there is no need



of custodial interrogation of the petitioners.

09. Having regard to the facts and circumstances and rival submission of the parties and considering the lack of tangible material against the petitioners and also considering the probability of false accusation in the aforesaid background, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-II, Patna in connection with RC No. 16(S)/2018, giving rise to Special Case No. 11 of 2023 arising out of Kotwali (Bhagalpur) P.S. Case No. 660 of 2017, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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