IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84356 of 2024

Arising Out of PS. Case No.-15 Year-2018 Thana- C.B.I CASE District- Patna

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Dinkar Tigga S/O Late Abnezar Tigga Resident of village- Patel Nagar Road No-1 Hesag, Near vasundhara Apartment Hatia , P.S-Jaganathpur, District- Ranchi Jharkhand, 834002

... ... Petitioner/s

Versus

The Central Bureau of Investigation, Patna Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate
For the CBI	:	Mr.Nivedita Nirvikar, Sr. Advocate
		Mr. Prasoon Shekhar, Advocate
		Mr. Rajesh Kumar, Advocate
		Mr. Ankit Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

11 15-04-2025 Heard learned counsel for the petitioner and learned Senior counsel for the C.B.I.

2. The petitioner apprehends his arrest in connection with R.C. Case No. 15/S/2018 arising out of Kotwali P.S. Case No. 658 of 2017 for the offenses punishable under Sections 420, 120B, 409 and 468 of the Indian Penal Code aCreateOrdernd Section 13(2) read with Section 13(1)(c) & (d) of the Prevention of Corruption Act.

3. The present F.I.R relates to illegal transfer and misuse of funds from the Government Bank accounts in Bhagalpur, Bihar in a fraudulent manner. The present case is one of the Srijan Scam case, registered by the Bihar Police. As per

notification issued by the Government of Bihar and subsequent notification of Government of India, this case registered as Kotwali P.S. Case No. 658 of 2017 dated 20.09.2017, was taken up for investigation by C.B.I. The case was registered on the basis of a written complaint dated 20.09.2017 of Shri. Sunil Kumar, the then Block Development Officer, Pirpainti Block, Bhagalpur.

4. The allegation against the petitioner as mentioned in paragraph no. 16 (vii) of the supplementary charge-sheet which discloses that a Cheque No. 042290 dated 22.05.2009 for Rs. 2,60,75,000/- issued from Account No. 1001010003736 by the D.D.C, Bhagalpur in favour of Block Development Officer, Pirpainti was received in Pirpainti Block, Bhagalpur. This cheque was presented in the Indian Bank, Bhagalpur with a deposit slip of Srijan. The said case in favour of B.D.O, Pirpainti and the voucher was passed by Hare Krishna Adak, Maker (already charge-sheeted) and Dinker Tigga, the petitioner herein as Checker and the same was approved by Surjit Raha (already charge-sheeted). The amount was debited from account of DDC, Bhagalpur and was transferred to the account of Srijan bearing Account No. 822726120 maintained with Indian Bank in illegal manner by aforesaid three officials of Indian Bank.

5. Learned counsel for the petitioner submits that the petitioner was not initially named in the F.I.R and his name has subsequently transpired in the supplementary charge-sheet submitted by the C.B.I after 5 years of the case being lodged. The supplementary charge-sheet has been annexed as Annexure-2 to the application.

6. The submission on behalf of the petitioner is that the petitioner is implicated in the instant case merely on suspicion, while the petitioner was only performing his official duties in accordance with the Bank's regulations. It has also been submitted that throughout the investigation, no illegal transactions or unauthorized funds have been recovered, either in cash or from the petitioner's bank accounts.

7. Learned counsel also submits that several accused persons in different cases of Srijan Scam, bearing similar nature of allegations have already been granted the privilege of anticipatory bail and a few of such orders are order dated 01.11.2021 passed in Cr. Misc. No. 27106 of 2020, order dated 17.01.2022 passed in Cr. Misc. No. 40468 of 2021 and order dated 11.01.2023 passed in Cr. Misc. No.39062 of 2022. Learned counsel further submits that the entire case is based on documentary evidence and the charge-sheet has already been

submitted against him and thus, there is no requirement of any custodial interrogation of the petitioner in the present case. The petitioner cannot be said to be the beneficiary in this matter as no seizure or recovery has been made from the account of the petitioner or from his possession. The petitioner also undertakes that he is ready to co-operate in the trial and would make himself available before the learned Court below as and when his appearance would be required.

8. The law now stands settled, in view of the judicial pronouncements of the Hon'ble Apex Court as stated in the case of ***Satyendra Kumar Antil vs. C.B.I*** reported in ***(2021) 10 SCC 773*** and other cases wherein it has been laid down that the accused should not be sent to custody merely on filing of the charge-sheet when he was not arrested throughout the investigation and while he also co-operated in the process of investigation. In the case of ***Mahdoom Bava vs. CBI*** in ***SLP (Crl.) No. 376 of 2023***, it has been categorically mentioned in paragraph nos. 9 and 10 that if the objection of the C.B.I was to secure the presence of the accused before the trial Court to face the trial, in such circumstances, it may not be proper to oppose the anticipatory bail at this stage. It was also held that the appellants apprehend arrest, not at the behest of the C.B.I but at

the behest of the trial Court.

9. Learned Senior counsel appearing for C.B.I, however opposes the prayer for anticipatory bail on the ground that the allegations against the petitioner are serious in nature and the supplementary charge-sheet submitted against the petitioner discloses the allegation against him. It has also been submitted that the petitioner has a number of criminal antecedents. In response to the above mentioned submissions made by learned Senior counsel for C.B.I, learned counsel for the petitioner submits that the name of the petitioner has transpired after five years of the F.I.R in the supplementary charge-sheet and it is only after he was made an accused in the Srijan Scam case, a number of cases as stated in paragraph no. 3 of the petition were instituted against him.

10. In view of all the above mentioned facts and circumstances of the case, this Court deems it proper to take into consideration the fact that accused persons with similar nature of allegations in the different cases of Srijan Scam have already been granted privilege of anticipatory bail. Moreover, considering the judicial pronouncements made by the Hon'ble Apex Court in the cases referred here-in-above, I am inclined to extend the privilege of anticipatory bail to the petitioner.

11. Let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, be released on anticipatory bail in connection with R.C. Case No. 15/S/2018 arising out of Kotwali P.S. Case No. 658 of 2017 on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI-II, Patna subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to further condition:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court.

(ii) If the petitioner is found tampering with the evidence or witness in the case, the prosecution will be at liberty to move for cancellation of bail.

(Soni Shrivastava, J)

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