

Patna High Court - Orders

Rajeev Ranjan Singh @ Rajiv Ranjan ... vs The State Of Bihar Through C.B.I. on 10 June, 2020

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.76182 of 2019

Arising Out of PS. Case No.-13 Year-2017 Thana- C.B.I CASE Dist

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RAJEEV RANJAN SINGH @ RAJIV RANJAN SINHA Son of Late
Shailendra Narain Sinha Resident of Ashiana Vihar Apartment Near C.D.A
Building, Rajendra Path, P.S.- Gandhi Maidan, District- Patna

Versus

THE STATE OF BIHAR THROUGH C.B.I. Bihar

... .. Oppos

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate
Mr. Nilesh Kumar, Advocate

For the Opposite Party : Mr. Bipin Kumar Sinha, S.C. (CBI)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH

ORAL ORDER

10 10-06-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of R.C. No.13A of 2017 (Special Case No.7 of 2017) registered for the offence punishable under Sections 409, 420, 467, 468, 471 and 120(B)/34 of the Indian Penal Code and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

A huge amount of a sum of Rs.2,70,03,32,639.00, which ought to have been credited in the bank account maintained in the name of District Land Acquisition Officer (DLAO), Bhagalpur, was fraudulently diverted and credited in the account of a Non-Governmental Organization (NGO), namely, Srijan Mahila Vikas Sahyog Samiti Limited, Sabour, Bhagalpur (SMVSSL), during the financial year 2014-15. Patna High Court CR. MISC. No.76182 of 2019(10) dt.10-06-2020 During the same financial year, allegedly, a sum of Rs.15,29,71,881.00 was fraudulently siphoned off from the account No. 10010200000114. During the financial year 2016- 17, amount to the tune of Rs.10,15,55,043/- was siphoned off from accounts No. 10010100016113, 10010100016114 and 10010100016162, maintained in the name of District Land Acquisition Officer, Bhagalpur. These transactions relate to Bank of Baroda.

It is further alleged that during the period 2007-17, proceeds of cheque worth Rs.76,44,35,083.80 issued/received by the District Land Acquisition Officer (DLAO), Bhagalpur, for crediting in the account of DLAO maintained with Indian Bank, Bhagalpur, was either not credited in this account or was fraudulently siphoned off.

The petitioner was, admittedly, holding the post of District Land Acquisition Officer, Bhagalpur, from 21.02.2014 to June, 2016. It transpires that different accounts were opened in Bank of Baroda

in the name of District Land Acquisition Officer, Bhagalpur, when the petitioner was holding the said Office.

The infamous scam, notoriously known as 'Srijan Scam', it seems came into light after the petitioner had demitted Patna High Court CR. MISC. No.76182 of 2019(10) dt.10-06-2020 the post of the District Land Acquisition Officer, Bhagalpur. The First Information Report with Tilkamanjhi P.S. Bhagalpur was registered in August 2017.

The said amount of Rs.270 crores was received from the Central Government's Agency for acquisition of the land for the purpose of Pirpainti Thermal Power Project, Bhagalpur, and was deposited in Personal Deposit Account (PDA) maintained in the name of DLAO, Bhagalpur, with the District Treasury Office, Bhagalpur, for disbursement to the land owners at appropriate time, after acquisition of the land.

It is alleged that in the light of a letter dated 26.06.2014, issued by the Department of Industries, Government of Bihar, the compensation amount, against land acquisition for the project in question, was to be kept in project- wise savings bank account, maintained in a nationalized bank. The then Nazir of the Collectorate is said to have put up a note on 10.07.2014 seeking approval to transfer the compensation amount from PDA to savings account in a nationalized bank. The proposal was to open an account in Bank of Baroda. As proposed by the Nazir, the petitioner, in his capacity as DLAO, made necessary recommendation, which was approved by the then District Magistrate. Though the approval was made on Patna High Court CR. MISC. No.76182 of 2019(10) dt.10-06-2020 14.07.2014, the account was already opened on 01.07.2014 without formal approval. Immediately after the approval of the District Magistrate, a PD Cheque for transferring a sum of Rs.150 crores was prepared and was put up with note by the Nazir before the petitioner. The details of the account number of the DLAO, opened at Bank of Baroda, was, however, not mentioned. The Nazir then prepared an application on the same day requesting the State Bank of India to issue banker's cheque for the said amount of Rs.150 crores in favour of the District Land Acquisition Officer. Two days thereafter, on 18.07.2014, on the strength of the said PD cheque, the application dated 16.07.2014, which was approved by the Treasury Officer, Bhagalpur, two banker's cheques were issued by the State Bank of India, each worth Rs. 75 crores. The said amount of Rs.150 crores was to be deposited in account No. 10010100014403 of DLAO in Bank of Baroda, Main Branch Bhagalpur. On 18.07.2014, the Nazir prepared another PD cheque for transferring a sum of Rs.120 crores and odds, which, too, was placed before the petitioner, who approved it in similar manner. In respect of this amount also, two banker's cheque were issued by the State Bank of India on 19.07.2014 in favour of District Land Acquisition Officer, Bhagalpur.

Patna High Court CR. MISC. No.76182 of 2019(10) dt.10-06-2020 It is alleged that the entire amount of Rs.120 crores and odd was got deposited in the account of banking unit of Srijan Mahila Vikas Sahyog Samiti Limited (SMVSSL), Sabour, Bhagalpur. Allegedly, the banker's cheque were prepared at Bank of Baroda, Bhagalpur, by one Smt. Manorama Devi, the Secretary of the NGO for crediting the said amount in the account of SMVSSL.

It is the case of the prosecution that the said Nazir and this petitioner were fully aware about this amount of Rs.120 crores and odd having been credited in the account of SMVSSL. It is further alleged that they forged entries into the bank accounts register, maintained in the office of DLAO, Bhagalpur, fraudulently showing that the said amount had been credited in the account of DLAO. Similarly, the other amount of Rs.150 crores was got deposited in the account of SMVSSL. In respect of this amount, it is alleged that the DLAO had issued the cheque in favour of Bank of Baroda to be deposited in the account of DLAO, Bhagalpur. Front side of the cheque bore an endorsement for keeping the amount in the swift account No. 100101100014427. This is to be noted that the said account number is maintained in the name of SMVSSL.

Investigation was subsequently handed over to the Patna High Court CR. MISC. No.76182 of 2019(10) dt.10-06-2020 Central Bureau of Investigation. The Central Bureau of Investigation has submitted its charge-sheet, a copy of which has been brought on record by way of Annexure-2 to the bail application.

The allegation in the First Information Report and the material collected in course of investigation disclose a well knit conspiracy, leading to misappropriation of huge amount of public money.

Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of petitioner, has submitted that no material collected in course of investigation depicts petitioner's intentional involvement in the alleged fraudulent transactions. He has submitted that there was no reason why the petitioner could have learnt about the illegal diversion of the said amount as no cheque, issued by the DLAO in respect of the accounts maintained in the bank, ever got dishonoured for insufficiency of funds. He has further argued that though there is mention in the charge-sheet of letter dated 19.07.2014, issued by the petitioner addressed to the bank, asking the bank to credit the amount in the account of SMVSSL, but no such letter was ever issued by the petitioner's office of the DLAO. He has further argued that the entire fraudulent transaction is because of the Patna High Court CR. MISC. No.76182 of 2019(10) dt.10-06-2020 misdeeds of the Bank officials. He has submitted that, as a matter of fact, the said NGO, SMVSSL, in conspiracy with the bank officials, had got deposited the amounts in question in the account of SMVSSL. He has further argued that the petitioner has been implicated for such acts, which are performed by subordinate staff. He has referred to two orders of this Court dated 04.03.2020 passed in Cr. Misc. No. 60402 of 2019 and dated 27.05.2020 passed in Cr. Misc. No. 33334 of 2019, whereby co-accused Sarita Jha and Ram Krishna Jha have been allowed regular bail by this Court.

Mr. Bipin Kumar Sinha, learned Standing Counsel for the Central Bureau of Investigation, has vehemently opposed the prayer for bail and has relied on an order of this Court dated 27.11.2019 passed in Cr. Misc. No. 9690 of 2019, whereby an application for regular bail has been rejected in similar circumstance, on an application arising out of Special Case No. 8 of 2017 (RC-16A of 2017).

Considering the magnitude of misappropriation of public money and the fact that the petitioner was holding the post of DLAO at the relevant point of time, it would be difficult for this Court to accept, at this stage, the submission that the petitioner was completely unaware of the fraudulent Patna High Court CR. MISC. No.76182 of 2019(10) dt.10-06-2020 transactions.

In such view of the matter, I am not inclined to allow the petitioner privilege of bail for the present.

This application is accordingly dismissed. However, the petitioner shall at liberty to renew his prayer for bail after six months, if, in the meanwhile, there is no progress in criminal trial.

(Chakradhari Sharan Singh, J) Pawan/-

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