

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2808 of 2023

Saroj Devi, aged about 71 years, wife of Late
Ratneshwar Rai, resident of Satish Sarkar Lane,
Masakchak, P.O. & P.S. Bhagalpur, District -
Bhagalpur, (Bihar).

..... ... Petitioner

Versus

The Union of India through Central Bureau of
Investigation

..... ... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Rahul Kumar, Advocate.
For the CBI : Mr. Prashant Pallav, A.S.G.I.
: Mr. Ayush, A.C. to A.S.G.I.

06/ 07.01.2026 Heard learned counsel appearing for the petitioner and
learned counsel A.S.G.I. appearing for the CBI.

2. This petition has been filed for quashing of the order dated
30.06.2023 passed by the learned Additional Sessions Judge-III-cum-
Special Judge, CBI, Dhanbad in R.C. Case No. 05(A)/2010-R,
whereby, the learned court has been pleased to reject the petition filed
for refund of the amount of Rs. 4,20,985/-.

3. Learned counsel appearing for the petitioner submits that in
the said case, husband of the petitioner Late Ratneshwar Rai, has been
made accused and her husband has preferred the ABA No. 293 of 2012,
which has been rejected by order dated 27.01.2012, however, with the
following observation:-

*“However, if the petitioner surrenders
within ten days and prays for regular bail,
the same shall be considered in the light of
the submission that petitioner had passed
the bills on the basis of the entries made in
the Measurement book and the invoices*

produced, but the petitioner was not knowing that the invoice produced were the fake; and that he is ready to deposit the amount not in entirety but to the extent which would be reasonable taking into account that the 5 accused persons have been alleged to have misappropriated the amount on the basis of fake invoices.”

4. Learned counsel appearing for the petitioner submits that in view of the above observation, the husband of the petitioner has deposited Rs. 4,20,985/- in the Nazarat, Civil Court, Dhanbad on 15.02.2012 and thereafter the learned court has been pleased to release the husband of the petitioner on bail. He then submits that the husband of the petitioner had died on 19.02.2022 and in view of that the criminal proceeding stood abated. He next submits that thereafter the trial has been abated and after that the petitioner herein has filed a petition before the learned court to release the amount of Rs. 4,20,985/-, which has been deposited by her husband as his proportionate share. He further submits that the learned court in spite of admission of the CBI about the death of the husband of the petitioner has been pleased to reject the prayer for release of the amount on the ground that the High Court in his observation has not recorded that the said amount is refundable. He submits that in view of the above, the impugned order, passed by the learned court may kindly be set aside, as the trial has already been abated against the husband of the petitioner Late Ratneshwar Rai and appropriate direction may be issued to refund the deposited amount of Rs. 4,20,985/-.

5. Learned A.S.G.I. appearing for the CBI has opposed the

prayer on the ground that by way of depositing the aforementioned amount, the husband of the petitioner has accepted the proportionate share in the misappropriation of the fund, in view of that the High Court has not observed anything about the subject to outcome of the pending trial. He fairly submits that after the death of the husband of the petitioner, the trial has already been abated against the husband of the petitioner.

6. It is an admitted position in light of the observation of the High Court that the husband of the petitioner has deposited as sum of Rs. 4,20,985/- before the Nazarat, Civil Court, Dhanbad on 15.02.2012, pursuant to that the learned court has been pleased to release the husband of the petitioner on bail, so the amount, thus, deposited is a surety amount basically for the purpose of securing attendance of the husband of the petitioner during the trial and in case of the husband of the petitioner avoiding to appear in the court or absconding, the said amount could have been forfeited, but as undisputedly the husband of the petitioner has died, which has also been admitted by the learned A.S.G.I. appearing for the CBI and that has also come in the order of the learned Sessions Judge, in view of that there is no requirement of his appearance in the trial court.

7. In view of the above and further in view of abatement of trial of the husband of the petitioner, the order passed by the learned court is not in accordance with law. Accordingly, the order dated 30.06.2023 passed by the learned Additional Sessions Judge-III-cum-Special Judge, CBI, Dhanbad in R.C. Case No. 05(A)/2010-R, whereby, the learned court has been pleased to reject the petition filed for refund of the amount of Rs. 4,20,985/-, is hereby, set aside.

8. The learned trial court shall release the amount of Rs. 4,20,985/- in favour of the petitioner on her furnishing an indemnity bond with two solvent sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, CBI, Dhanbad.

9. This petition is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated:-07.01.2026
Amitesh/-