

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40289 of 2015

Arising out of PS.Case No. -484 Year- 2014 Thana -BARAUNI District- BEGUSARAI

Nowlege Kumar @ Pandit, Son of Bisheshwer Roy @ Bindeshwar Choudhary, resident of village - Rani Tola Dadpur, P.S. Bachhwara, District – Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sada Nand Ray, Advocate.

For the Opposite Party : Mr. P.K.Chaurasiya(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 28.11.2014 in connection with Barauni P.S. Case No. 484 of 2014 for the offences instituted under Sections 409 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the informant is employee of CMS company as Cash loader and posted at Begusarai. On 18.11.14 at about 10 A.M, he along with Rajesh Kumar cash loader reached at S.B.I Main Branch, Begusarai, and submitted detailed report to Branch Manager, State Bank of India, about cash receiving and again proceeded from State Bank of India, by vehicle of CMS company bearing registration No.BR-

01-Go/1977, Nowledge Kumar @ Pandit(petitioner) was driver and Pawan Kumar was guard on that vehicle, another guard Sanjay Singh not reached there and he was absent. When he asked then driver and another guard Pawan replied that today Sanjay Singh is on leave. He proceeded with vehicle from S.B.I. Main Branch to ICICI Bank Kachahari Road, Begusarai, to load currency note there in ATM Machine and received Rs.20,00,000/- to load in ATM Machine and proceeded from there to Bishnu Chowk, Begusarai, and where he received from Axis Bank, Rs.2 lakh to load in ATM Machine and proceeded from there at about 12'o clock, they reached at Refinery Gate no.1 to load currency note in ATM Machine of ICICI Bank and loaded there Rs. 6 Lakhs in ATM of ICICI Bank and proceeded from there and reached at SBI Branch, Barauni, situated at Refinery Campus Gate no.1, and received Rs.91,00,000/- from that bank and along with cash, they proceeded from there and reached near Refinery Pipe line Gate at S.B.I ATM and he along with Rajesh Kumar get down there to load Rs.24,00,000/- in the ATM of S.B.I. It has been further alleged that Rs.83,00,000/-cash was in the cash was in the cash box on that vehicle and guard Pawan also get down from the vehicle along with cash to load in ATM Rs.83,00,000/-cash was in possession of driver Nowledge Kumar alias Pandit(petitioner).

VAN was standing near A.T.M. The informant loaded cash in ATM machine and when they did not see the Van there, then guard Pawan Kumar told him that driver is bringing the vehicle after backing the vehicle but vehicle not reached there, then guard Pawan tried to contact with driver Nowledge Kumar(petitioner) on his mobile but the driver did not respond, then informant also tried to contact with driver on his mobile phone through his mobile, driver replied on mobile that he is backing the vehicle but vehicle did not came back there, thereafter a suspicion created in the mind of informant, because who did not see the vehicle. Informant move from there by taking lift on a motorcycle of public and proceeded towards *Dhatta More* and where he came to know that the said vehicle proceeded towards north, when he proceeded towards north and found that near Oil India gate, the said VAN bearing Registration No.BR09-Go/1977 was standing there but neither driver nor cash box present in the Van. The informant was told by local public that box was loaded in a white colour Bolero vehicle and proceeded towards Harpur Chowk and informant reported about occurrence to his in-charge. Thereafter police came there and recorded his fardbeyan. On the basis of his fardbeyan, this case was registered against Nowledge Kumar @ Pandit (petitioner) driver of said vehicle, Guard Sanjay Singh and Pawan

Kumar.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 28.11.2014 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. It is submitted that Rs. 64,00,000/- of the Bank has already been recovered. The other co-accused have been granted bail by this Court vide Cr. Misc. Nos.30321 of 2015, 23129 of 2015 and 29385 of 2015.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai, in connection with Barauni P.S. Case No. 484/2014.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)