

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14394 of 2016

Arising Out of PS.Case No. -289 Year- 2014 Thana -DIGHA District- PATNA

Bipul Kumar, son of Sri Bibhuti Prasad Singh, resident of 303, Maa Bhagwati Complex, Boring Road , P.S. Budha Colony, District-Patna, Bihar
..... Petitioner

Versus

The State of Bihar

..... Opposite Party

with

Criminal Miscellaneous No.14809 of 2016

Arising Out of PS.Case No. -289 Year- 2014 Thana -DIGHA District- PATNA

Vijay Kumar, Son of Late Janak Prasad, Resident of Flat No. 301, Gauri Shankar Apartment, Phase 1, Kuri, P.S. Digha, District - Patna

..... Petitioner

Versus

- 1. The State of Bihar
- 2. The State Bank of India through Branch Manager, S.B.I., Digha, Patna

..... Opposite Parties

with

Criminal Miscellaneous No.16613 of 2016

Arising Out of PS.Case No. -289 Year- 2014 Thana -DIGHA District- PATNA

Shailesh @ Shailesh Kumar, Son of Sri Umesh Rai, Resident of Village Tarari, P.S.- Naubatpur, District Patna Bihar.

..... Petitioner

Versus

The State of Bihar

..... Opposite Party

with

Criminal Miscellaneous No.16630 of 2016

Arising Out of PS.Case No. -289 Year- 2014 Thana -DIGHA District- PATNA

Annu @ Annu Kumari, Wife of Sri Bipul Kumar, resident of 303, Maa Bhagwati Complex, Boring Road , P.S. Budha Colony, District-Patna, Bihar

..... Petitioner

Versus

The State of Bihar

..... Opposite Party

Appearance :

(In Cr.Misc. No.14394 of 2016)

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

(In Cr.Misc. No.14809 of 2016)

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the SBI : Mr. Rakesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P. (In Cr.Misc. No.16613 of 2016)

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

(In Cr.Misc. No.16630 of 2016)

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

12 19-09-2016

Pursuant to previous order passed by this Court, an affidavit has been filed by the Director General of Police, Bihar, stating therein that the order of this Court dated 08.09.2016 is being complied with and necessary instructions have been issued to the respective Superintendents of Police of the State of Bihar.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Digha P.S. Case No. 289 of 2014, G.R. No. 7352 of 2014, disclosing offences under Sections 419, 420 and 409/34 of the Indian Penal Code.

Petitioner of Criminal Miscellaneous No. 14394 of 2016, at the relevant point of time, was posted as a Clerk in Kurji Branch in the State Bank of India. From the materials on record, it



appears that the petitioners and other co-accused persons adopted a *modus operandi*, in which, certain amount used to be deposited as term deposits and by *ante dating* the dates of such deposits were shifted back, interest was fraudulently calculated thereon and, subsequently, withdrawn. The petitioner, namely, Bipul Kumar did this on several occasions by making deposits in the name of his wife, as alleged in the First Information Report. The allegations, made in the First Information Report, have been corroborated by the evidence, collected in course of investigation.

Learned counsel appearing on behalf of the petitioner, Bipul Kumar has vehemently submitted that the petitioner, being Clerk in the concerned Branch, could not have made such transactions, interpolations or committed fraud as alleged.

An affidavit has been filed on behalf of the State Bank of India giving in detail the manner, in which, the fraud was being committed, causing loss to the tune of Rs. 35,28, 674/-.

Considering the manner and magnitude of the offence, I am nor inclined to grant the petitioner, privilege of anticipatory bail.

The petitioner of Criminal Miscellaneous No. 16630 of 2016 is wife of Bipul Kumar, the petitioner of Criminal Miscellaneous No. 14394 of 2016 who played active role in case of crime is alleged and is corroborated also on the basis of

materials on record. Similar is the reason for rejection of this application filed by Shailesh @ Shailesh Kumar, petitioner of Criminal Miscellaneous No. 16613 of 2016.

Considering the nature of involvement of the petitioner Vijay Kumar of Criminal Miscellaneous No. 14809 of 2016, I am not inclined to grant him anticipatory bail.

Accordingly, these applications for anticipatory bail are, hereby, rejected.

The petitioners are directed to surrender before the court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

It is made clear that no statement made in the present order shall be treated to be an expression of the Court over the merits of the allegations made against the petitioners at the stage of trial.

(Chakradhari Sharan Singh, J)

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