

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40083 of 2016

Arising Out of PS.Case No. -118 Year- 2016 Thana -DIGHA District- PATNA

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1. Rahul Kumar Son of Tarkeshwar Gupta resident of village - Rukanpura,
Police Station Rupashpur, District Patna

2. Avinash Kumar Son of Umesh Singh resident of village - Sherpur,
Police Station Maner, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

2. Chinmaya Chandan S/o Govind Chand Sahoo, Regional Manager,
R.C.L. Cash Management Service (P) Ltd. Prem Kunj, Kurji More, Patna,
Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh

For the Opposite Party/s : Mr. Sri Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Digha P.S. Case No.118 of 2016 registered for the offence under
Sections 408 and 420 of the Indian Penal Code.

The prosecution case, as lodged by the Regional
Manager of one R.C.I. Cash Management Services Private
Limited, having its office at Patna, was given a contract for cash
replenishment activity in more than 770 ATMs in Bihar for
managing cash replenishment in various banks, i.e., 1.Panjab
National Bank, 2.State Bank of India, 3.Corporation Bank,
4.Punjab & Sindh Bank, 5.Industrial Development Bank of India



and 6.Allahabad Bank, ATMs in Patna. The further allegation in the F.I.R. is that the petitioners along with other seven custodians were Incharge of replenishment of cash in the ATMs along with the Area Manager and they only had the knowledge of Pass Words which were used in the ATMs. Further allegation is that in the year 2015 Rs.1.5 crores cash shortage was identified which was deposited by the team at Patna. Further shortage of Rs.2.12 crores has been found till 27th of April, 2016. Hence, the petitioners and their like including Area Manager have been made accused in this case.

Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in the aforesaid case only on the basis of suspicion. He submits that as custodians of the Passwords for replenishment of cash in the ATM as assigned by the said Company, they had been discharging duty with full honesty and satisfaction and the cash had been given to the Area Manager, Ranvir Singh who collected all the money from the Bank for depositing in the ATM and earlier also Ranvir Singh had deposited the deficit money in the year, 2015. It has also been submitted that investigation is still going on and they will cooperate in investigation and appear before the police and the court as and when required and undertake not to abscond or tamper with the evidence.

However, learned A.P.P. submits that the petitioners along with other co-accused are named in the first information report and hence, opposes the prayer for bail.

Be that as it may, since the petitioners have no criminal antecedent as is evident from paragraph 3 of the application and have been implicated only on the basis of suspicion, let the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of eight weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Md.Inam Khan, J.M. 1st Class, Patna, in Digha P.S.Case No.118 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is, however, made clear that since investigation is going on the petitioners will cooperate in investigation, appear before police and the court as and when required and on failure on two consecutive dates, learned court below will cancel their bail bonds without being prejudiced by this order.

(Nilu Agrawal, J)

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