IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7438 of 2017

Arising Out of PS.Case No. -413 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. Mantoon Ram @ Mantun Ram, Son of Sahdev Ram, R/O Village – Manikpur, P.S. – Garhpura, District – Begusarai.
2. Subhash Kumar, S/O Ramudgar Ram, R/O Village – Bakhri, P.S.- Chorahi, District – Begusarai.

.... Petitioners

Versus

1. The State of Bihar
2. Kundan, S/O Unknown, Chief Branch Manager, State Bank of India, Branch, District – Begusarai.

.... Opposite Parties

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Appearance :

For the Petitioners : Ms. Amit Narayan, Advocate.
For the Opposite Party : Ms. Anita Kumari, APP.
For the Bank : Mr. Satya Prakash Tripathy, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-05-2017 Heard both sides.

The petitioners apprehend their arrest in Town P.S. Case No. 413 of 2016 registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The informant alleged that the petitioners who were the employee of NCR ATM Cash Management Service, received Rs. 10600000/- for stacking the notes in the ATMs of SBI on 12.08.2016. The petitioners were the only persons who were knowing the code of ATM for stacking but, on 12.08.2016 only Rs. 9600000/- was stacked in the ATM. When the authority tried to contact Mantoon Ram @ Mantun Ram and Subhash Kumar, the petitioners they could not be contacted. It is further alleged that on

19.08.2016, one Rajkumar and two other custodian of Writer Safe Guard Agency deposited Rs. 1000000/- in the bank. It is further alleged that audit was held of the ATMs and it was found that the petitioner and Subhash Kumar did not stack Rs. 768200/- on different dates.

Learned counsel for the petitioners submits that the petitioners were not authorized to receive any money. The petitioners did not receive money from the bank for stacking in ATMs of State Bank of India. On 12.08.2016, the wife of the petitioner filed Muffasil P.S. Case No. 328 of 2016 against the Manager and other employees of the State Bank of India that they subjected her husband to physical and mental torture.

From perusal of the records, it appears that the petitioners were knowing the code of the ATMs and they were duly authorized to operate the ATMs for stacking money but, the petitioners shared the secret code with one Niranjan Kumar and the petitioners did not stack money in the ATMs. Firstly, Rs. 10 lakhs was found short on 12.08.2016, thereafter Rajkumar and other persons of the company deposited Rs. 10 lakhs in the bank on 19.08.2016. It was the petitioners who gave the secret code to someone else and when this fact was detected the petitioners got Rs. 10 lakhs deposited through other employees of the company in the bank. During course of investigation, it has come that on different dates the petitioners stacked less amount on different ATMs and Rs. 768200/- has not been stacked in the ATMs and the petitioners misappropriated the amount.

Considering the facts aforesaid and nature of allegations made against the petitioners, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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