

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50689 of 2016

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

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1. Dharmbeer Kumar
 2. Rajeev Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-1, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 05-07-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Digha P.S.Case No. 118 of 2016 registered for offences punishable 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, that a contract for cash replenishment activity in more than 770 ATMs in Bihar for managing cash replenishment in various banks, i.e. 1. Punjab 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.

It has been submitted by the learned counsel for the petitioners that they are innocent have been falsely implicated in the aforesaid case and it was the Area Manager, Ranvir Singh who had deposited the deficit money in the year, 2015 and they were merely operating the transactions under the guidance of the Area Manager. It is further submitted that the petitioners were discharging duty with full honesty and Area Manager, Ranvir Singh, was Incharge of collecting money and deposited the deficit amount in the year 2015. It is further submitted that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that two co-accused on similar circumstances have been granted the privilege of bail by this Court in Cr. Misc. No. 40083 of 2016 dated 04.10.2016. It has been submitted by the learned counsel for the



petitioners that the petitioners undertake to cooperate in the trial and not to abscond.

However learned counsel for the State opposes the prayer for bail stating therein that the petitioners are named in the FIR.

Be that as it may, since the petitioners have no criminal antecedent, 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 learned Judicial Magistrate, 1st class, Patna in connection with 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 the petitioners will cooperate during trial and appear on each and every date before police and the Court as and 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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