

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39216 of 2016

Arising Out of PS.Case No. -238 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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Amit Kumar, Son of Sri Ashok Kumar Singh, Resident of Village- Saharsa, Police Station- Saharsa, District Saharsa, at present U.C.O. Bank, Police Station- Madhepura, District- Madhepura.

.... Petitioner.

Versus

- 1. The State of Bihar.
- 2. Zonal Manager, UCO Bank, Zonal Office, Begusarai.

.... Opposite Parties.

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with

Criminal Miscellaneous No.44597 of 2016

Arising Out of PS.Case No. -238 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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Mukesh Kumar, S/o Rabindra Prasad Yadav, Resident of Village - Aurahi - Ekpahra @ Expaha, Police Station - Gamharia, District - Madhepura, at present - Chief Cashier of U.C.O. Bank, Madhepura.

.... Petitioner.

Versus

- 1. The State of Bihar.
- 2. Union of India (Finance Department including Income Tax Department).

.... Opposite Parties.

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Appearance :

(In Cr.Misc. No.39216 of 2016):

- For the Petitioner : M/s. Viveka Nand Singh & Aarsh Kumar, Advocates.
- For the State : Mr. Ajit Kumar, A.P.P.
- For the UCO Bank : Mr. Ranjeet Kumar Pandey, Advocate.
- For the Income Tax : Mrs. Archana Sinha and Mrs. Shalini Bihari, Advocates.

(In Cr.Misc. No.44597 of 2016):

- For the Petitioner : None.
- For the State : Mr. Ajay Kumar-1, A.P.P.
- For the UCO Bank : Mr. Ranjeet Kumar Pandey, Advocate.
- For the Income Tax : Mrs. Archana Sinha and Mrs. Shalini Bihari, Advocates.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

15 23-08-2017 Both these applications arise out of the same P.S. Case



bearing Madhepura P.S. Case No.238 of 2016 registered under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code, therefore, both these applications have been taken up together and are being disposed of by this common order.

Heard learned counsel for the petitioner Amit Kumar (in Criminal Misc. No.39216 of 2016), learned A.P.P. for the State, learned counsel for the UCO Bank and learned counsel for the Income Tax Department. No one appears on behalf of the petitioner Mukesh Kumar (in Criminal Misc. No.44597 of 2016).

The allegation of the informant Umesh Prasad Singh, Circle Manager, UCO Bank Circle Office, Begusarai, is that on 11.09.2015, two accounts, in the name of Sri Kapil Singh, son of Thakur Singh, resident of village-Barahi Dakchhin Tola, P.S. and District-Madhepura and Sri Yogesh Nagar, son of Sri Kailash Nagar, resident of village-Bhirkhi, Ward No.25, P.S. and District-Madhepura, were opened. On the said date, two cheques, one bearing Nos.680567 SBI of Rs.47860/- and another bearing No.607934 SBI of Rs.46930/-, were deposited. Similarly, for the period from 11.09.2015 to 26.04.2016, on different dates, Rs.57,74,000/- was deposited by different cheques and the said amount was also withdrawn. The informant raised suspicion that the aforesaid amount was withdrawn by the petitioner Mukesh Kumar (in Criminal Misc. No.44597 of 2016), the then Chief



Cashier, and the petitioner Amit Kumar (in Criminal Misc. No.39216 of 2016), the Window Operator, under conspiracy. It is alleged that on the basis of the PAN Cards, on the different names issued by the Income Tax Department, on showing the one account, computerized cheques were issued by the SBI, Hyderabad Branch, which is the subject matter of inquiry.

Learned counsel for the petitioner Amit Kumar (in Criminal Misc. No.39216 of 2016) submits that he is the Single Window Operator and he has no concern with the opening of the account and withdrawal of the money. Moreover, after departmental inquiry, he having been found guilty in dereliction of duty, had been suspended but, thereafter, his suspension was revoked and he has been reinstated in service whereas the petitioner Mukesh Kumar (in Criminal Misc. No.44597 of 2016), the then Chief Cashier, after inquiry, having been found guilty has been dismissed from service.

Learned counsel for the UCO Bank fairly submits that on inquiry the petitioner Mukesh Kumar (in Criminal Misc. No.44597 of 2016), the then Chief Cashier, was found guilty and he was removed from the service whereas the petitioner Amit Kumar (in Criminal Misc. No.39216 of 2016), on inquiry, was found guilty in dereliction of his duty and he was punished by withholding his two increments and at present, he is in service.



Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner Mukesh Kumar (in Criminal Misc. No.44597 of 2016), I am not inclined to grant him anticipatory bail. Accordingly, his prayer for grant of anticipatory bail stands rejected.

So far as the petitioner Amit Kumar (in Criminal Misc. No.39216 of 2016) is concerned, let the petitioner Amit Kumar (in Criminal Misc. No.39216 of 2016, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No.238 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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