IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1712 of 2017

Arising Out of PS.Case No. -34 Year- 2014 Thana -ECONOMIC OFFENCES, BIHAR District- PATNA

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1. Baleshwar Prasad Sinha, S/o Late Phani Gopal Sinha, R/o Vill- Mohalla- Sabour/Adampur, P.S.- Adampur, Distt- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Prakash Kumar, Manager, (Law) Circle Office, Canara Bank, LavKush Tower, Exhibition Road, Patna, Bihar.
3. Registrar, Economic Offence, Bihar, Patna.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amresh Kumar Sinha
For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 18-01-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner is in custody since 06.01.2017 in connection with Economic Offence P.S. Case No. 34 of 2014 registered under Sections 406, 420, 409, 467, 468, 471, 472/120(b) of the Indian Penal Code.

3. Accusation is of fake withdrawal of money from the Bank by opening fake account No. 2310201010700 in the name of KPC Medical College & Hospital, Jadavpur.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has not committed any offence. The name of this petitioner has nowhere come in the First Information Report.

Neither any witness nor any material is available on record against this petitioner. Petitioner happens to be the then Sr. Branch Manager at Canara Bank, Gopalganj Branch, when the alleged account, from which alleged amount was withdrawn or transferred, was opened. Being the Senior Branch Manager of the Bank, the petitioner has only recommended to open the alleged account after verifying the KYC details of the customer. There is no ingredients available on record to prove that petitioner was connived with the alleged account holder and has made fake withdrawal. Moreover, it is apparent from paragraph 25 of this petition that other accused persons have been granted bail by the lower court. Though Rs. 1,91,77,000/- has been deposited in the alleged account and out of which Rs. 1,65,25.000/- has been withdrawn within two months of opening of alleged account, but not a single farthing has been taken or withdrawn by this petitioner. In the aforesaid facts, the petitioner merely on the ground that he had recommended the alleged account to be opened after verifying the KYC details of the customer, cannot be held guilty and liable to be punished in any manner as the petitioner has done nothing but also discharged his duties with great devotion in order to enhance the business of the Bank. Therefore, the petitioner, who is rotting in jail since 06.01.2017 for his no fault, deserves the privilege of bail.

4. Learned counsel for the opposite parties opposed the prayer for bail.

5. Considering the facts and circumstances of the case and

nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Economic Offence P.S. Case No. 34 of 2014.

(Arvind Srivastava, J)

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