

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24556 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -BARAHIYA District- LAKHISARAI

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Rakesh Kumar, son of Sh. Suresh Prasad, Resident of Village- Rafiganj,
Kirana Patti, Police Station- Rafiganj in the District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 30-06-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with Barahia
P.S. Case No. 27 of 2017, registered under Sections 420, 409 and
120B read with 34 of the Indian Penal Code.

The allegation of informant, Raju Kumar Singh, ATM
Executive in SIS Main Branch, Patna is that his team was working
with the S.B.I. to load the cash in ATM. On 13.02.2017, the
petitioner informed him about missing of Rs.30,00,400/- in the
SBI ATM, Indupur Lakhisarai and absconding of Rajnish Kumar.
On 14.02.2017, the informant along with police official of P.S.
Indupur reached at the SBI ATM and examined the CCTV footage
and arrived at conclusion that cash has not been stolen by thief



rather same was taken by custodian, Rajnish Kumar and Rakesh Kumar (petitioner) because both had knowledge of ATM code to open the ATM.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that when the petitioner came to know about the shortage of cash of Rs.30,00,400/- to the SBI ATM machine then he informed the informant about the missing cash and absconding of Rajnish Kumar who was knowing the password of ATM but on mere suspicion the informant also disclosed the name of the petitioner as accused in his written report which is the basis of the FIR. Further submission is that petitioner and Rajnish had uploaded Rs.42,34,500/- in the said ATM, which was updated by the Bank and again on 10.02.2017 they loaded Rs. 32,00,000/- which can be ascertained by the CCTV Footage. In the report of the Assistant Branch manager, Md. Afsar Ali dated 17.03.2017, Rajnish is the man, who had opened the block/caset of the ATM twice alone and this petitioner was not there at that time. Further submission is that petitioner has no criminal antecedent and is in custody since 15.02.2017.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on 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, Lakhisarai, in connection with Barahia P.S. Case No. 27 of 2017. Out of two sureties, one surety must be the close relative of the petitioner.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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