IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36084 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -ECONOMIC OFFENCES, BIHAR District- PATNA

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1. Md. Helal Akhtar @ Helal Akhtar S/o late Akhtar Alam Resident of Flat No. 202, Hitech Areeb Apartment, Road No. 3J, Masjid Road, New Patliputra Colony, P.S. Patliputra, District- Patna. ... . Petitioner/s

Versus

1. The State of Bihar Through Economic offence Unit, Bihar, Patna.
2. The State of Bihar through Vigilance, Bihar, Patna.
3. Sri Surendra Prasad Singh S/o late Sheo Kumar Singh Regional Officer, Madhya Bihar Gramin Bank, Regional Office, Aurangabad, Near Mrignainy Hotel, Maharajganj Road, Aurangabad, P.S.- Aurangabad(T), District- Aurangabad (Bihar). .... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv
For M.B. G.B./Informant: Mr.Suresh Prasad Singh No.1, Adv
For E.O.U. : Mr.Vishwanath Prasad Sinha, Sr.Adv
: Mrs.Soni Srivastava, Adv
For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.Vigi.)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

4 28-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 406, 409, 467, 468, 471, 472, 120(B) of the Indian Penal Code, Section 66(C), 66 (D), 66(E), 71, 72, 72(A) of Information Technology (Amendment) Act, 2008 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act.

The petitioner was Branch Manager in the Madhya Bihar Gramin Bank, Noon Ka Chauraha, Patna City, Patna. A saving bank account was opened in the name of Santosh Kumar without proper verification of identity of

Santosh Kumar and without procuring the verified document of identity.

Allegation is that from the User I.D. of co-accused-Arun Kumar Sinha, Rs. Seven Lacs was transferred in the bank account of Ram Narayan Singh on 16.08.2014 and from the same User I.D. on 29.09.2014, Rs. Seven Lacs was transferred from the account of Ram Narayan Singh to the bank account of Santosh Kumar. Thereafter, Santosh Kumar withdrew the said money either by cash withdrawal or through A.T.M. withdrawal. During internal audit, a report at Annexure-4, it was found that the bank account of Santosh Kumar was opened in casual manner on the basis of a fake voter I.D. which led to the aforesaid embezzlement.

Submission of learned senior counsel for the petitioner is that the petitioner is in custody since 05.06.2018. He has got no criminal antecedent. He was recently promoted as Branch Manager. Moreover, the clerical job is performed by some other person of the Bank, who are authorized to verify all the necessary papers for opening of the bank account.

Learned senior counsel for the Economic Offence Unit submits that the perusal of the FIR would reveal that a syndicate is involved in financial embezzlement because co-accused Arun Kumar Sinha, the then Manager, who transferred the amount of Rs. Seven Lacs to the account of Ram Narayan Singh and thereafter from the bank account of Ram Narayan Singh to the account of Santosh Kumar was aware of the facts that Santosh Kumar is not the real recipient of the money rather was a fake person, who had opened the bank account in collusion with the employees of the Branch of Noon Ka Chauraha. Therefore, the petitioner cannot be absolved of his criminal liability.

Considering the nature of allegation and material available, I am not inclined to enlarge the petitioner on bail for the present in connection with Special Case No.10 of 2018 arising out of Economic Offence Unit Police Station Case No. 02 of 2018 pending in the court of learned Special Judge-1st, Patna/successor court.

Hence, prayer for bail is refused.

However, the petitioner would be at liberty to renew the prayer after completion of one year of custody, if the trial is not concluded in the meantime.

(Birendra Kumar, J)

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