

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 57933 of 2018**

Arising Out of R.C.No.-20 A Year-2017 Thana- C.B.I CASE District- Patna

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Gautam Kumar Son of Sri Raju Ram @ Raj Kumar Verma resident of Lallu Pokhar, P.S. Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar Through The C. B. I.

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Yogesh Chandra Verma, Sr. Advocate |
|                      |   | Mr. Suman Kumar Mishra, Advocate       |
| For the CBI          | : | Mr. Sanjay Kumar, S.C. C.B.I.          |
| For the State        | : | Mr. Md. Arif, A.P.P.                   |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 11-12-2018**

Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner and Mr. Sanjay Kumar, learned counsel for the CBI.

2. The petitioner apprehends arrest in Special Case No. 12 of 2017, R.C. No. 20/A/2017 instituted under Sections 409/420/467/468/471 and 477A of the Indian Penal Code and 13(2) read with 13(1)(d) of the P.C. Act.

3. The allegation against the petitioner is that he along with three named accused and other unknown had succeeded in defrauding two post offices to the tune of Rs. 95, 39,100/- in in the town of Munger. The petitioner is not named in the FIR.



4. Learned counsel for the petitioner submitted that there is only one allegation and that too on the basis of the so called confession made by co-accused Abhas Ranjan in which he has stated that the petitioner was the person who had actually fed the entry into the post office computer at the time of migration. Learned counsel submitted that such confessional statement, as has been held by the Courts, cannot be accepted until it is sufficiently corroborated by other cogent and legally admissible evidence. It was further submitted that the so called confessional statement is also exculpatory and obviously such statements are given by the accused to throw the blame on another person, which cannot be accepted to be truthful. It was further submitted that the three named accused have taken the name of one Sunny Shekhar Singh, as the person who had made entry which led to the fraud and the petitioner has not been named. Learned counsel submitted that at the time of the CBI coming to his house, as he was away, his father had fully co-operated with the investigation and the team did not find any incriminating material against him during their entire search. It was submitted that the petitioner, at best, could be said to have acted as a mere outsource person by the Abhas Ranjan for getting the work of data entry on the system of the post office.



5. Learned counsel for the CBI submitted that the petitioner has a major role in the entire episode. It was submitted that by using electronic technology by making entry of data, fictitious amounts were shown credited into the accounts of various persons to the tune of over Rs. 1.15 crores and thereafter real withdrawal of more than Rs. 95 lakhs have taken place. Learned counsel submitted that the complicity of the petitioner is established from the fact that soon after committing the crime he got employment at Tutocorin at Chidambram Port Trust from where, through various ATMs, huge amounts were withdrawn and later he moved to Ahmedabad where he also withdrew huge amount through ATMs. It was submitted that such money was also deposited into the account of his father. Learned counsel submitted that the petitioner had admitted to having withdrawn amounts from the ATM at Ahmedabad when his father made him talk on the phone to the CBI personnel who had gone to his house for investigation, but the explanation given was that Sunny Shekhar Singh had given the ATMs to him. It was submitted that the petitioner cannot take such defence as there is no explanation how he could withdraw money from ATMs which did not belong to him.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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