IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2561 of 2019

Arising Out of PS. Case No.-762 Year-2018 Thana- SHEKHPURA District- Sheikhpura

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Vikash Kumar Raj Kishore Prasad Singh, resident of Village-Barma,P.S. Sirari,Dist.-Sheikhpura

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Branch Manager, Bihar Gramin Bank, Kaithwar, Sirari, District Sheikhpura

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

14 01-10-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State. Learned counsel appearing on behalf of the Bihar Gramin Bank is also present and has filed a counter affidavit.

The petitioner is in custody since 30.11.2018 in connection with Sheikhpura P.S. Case No. 762/2018 registered for the offence punishable under Sections 406/409/420/467/468/471 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is an unfortunate victim of a conspiracy by the Bank officials and he being the Manager of the Customer Care Centre of the aforesaid Bank has been falsely implicated in connection with the present case as he has nothing to do with the entries which are made in the Bank nor is he concern with any withdrawal by the customers who had made the deposit with the aforesaid Bank. He submits that the petitioner was appointed as the Business Correspondent Agent and had discharged his duties faithfully, but had no concern with the amounts deposited by the customers with the Bank, nor any concern with its withdrawals, but despite the same situation, the Bank officials have falsely implicated him in connection with the present case with the allegation that his Aadhaar-card had been used for withdrawals of the amounts so deposited as the withdrawals were Aadhaar-card based and involved the giving of thumb-impressions before such withdrawal. Learned counsel for the petitioner thus prays that the petitioner may be extended the privilege of bail.

Learned counsel appearing on behalf of the Bank has stiffly opposed the application for grant of bail and has submitted in his counter affidavit that the petitioner was part of a well thoughtout scheme and he in connivance with the Bank officials had got his own Aadhaar-card entered by replacing the Aadhaar-cards of the original bank account holders. It is on the basis of such replacement made in the system that the petitioner in league with the Bank officials has withdrawn the money from the Bank. Pointing to the payments which have been received by the petitioner, he submits that it is clear from a perusal of the F.I.R. itself at 19-20 that the petitioner had withdrawn different amounts from six such account holders of the Bank which amounted to a total of Rs. 4,45,600/- (Rupees four lacs forty-five thousand six hundred only) and, therefore, the petitioner in connivance with the Bank officials withdrew money of innocent customers who had deposited their money in good faith with the Bank and does not deserve the privilege of bail. Learned counsel for the Bank contends that the petitioner was squarely responsible for replacing the Aadhaar-cards of the account holders with his own Aadhaar-card and had also used his thumb-impression to make such withdrawals. The said amounts of other account holders was withdrawn only from the centre which was being run by the present petitioner and none other. He thus submits that in view of such facts and circumstances, the petitioner is not entitled to the privilege of bail.

Responding to the same, learned counsel for the petitioner submits that in view of the stand taken by the opposite party-Bank, the petitioner is willing to deposit the amount as has been alleged against him being Rs. 4,45,600/- (Rupees four lacs forty-five thousand six hundred only)within a period of six months in equal installments from the date of his release, subject to the trial.

Considering the aforementioned facts and circumstances, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheikhpura, in connection with Sheikhpura P.S. Case No. 762/2018, subject to the following conditions:-

(1) One of the bailors will be the father of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

In case, the petitioner fails to honour his undertaking, it shall be open to the opposite party-Bank to move to this Court for modification/cancellation of the order.

(Anjana Mishra, J)

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