

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80623 of 2018

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

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Md. Helal Akhatar @ Helal Akhatar Son of Late Akhatar 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 Villageance, Bihar, Patna.
3. Sri Surendra Prasad Singh, Son of Late Sheo Kumar Singh, Regional Officer, Madhya Bihar Gramin Bank, Regional Office, Aurangabad near Mrignainy Hotel, Maharajganj Road, Aurangabad, P.S. Aurangabad (Town), District- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.P.K. Shahi, Sr. Advocate
		Mr. Binay Kumar, Advocate
For the Opposite Party/s :		Mr.Shyam Kumar Singh, APP
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate
For the MBGB	:	Mr. Suresh Prasad Singh-1, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 17-04-2019 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 406/409/467/ 468 /471 / 472/120B of the Indian Penal Code, Sections 66(c)/66(D)/66(E)/71/72/72A of the I.T. (Amended) Act and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.



It appears that by order dated 28.08.2018 passed in Cr. Misc. No.36084 of 2018 prayer for regular bail to the petitioner was refused by this Court in connection with Economic Offences Unit P.S. Case No.2 of 2018 with liberty to the petitioner to renew the prayer after completion of one year of custody, if the trial is not concluded in the meantime. Petitioner is in custody since 05.06.2018.

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.

Further allegation is that from the User I.D. of co-accused Arun Kumar Sinha, who was also a Branch Manager in some different Branch of the same bank rupees seven lacs was transferred in the bank account of Ram Narayan Singh and from the same User I.D. on 29.09.2014 rupees seven lacs was transferred from the account of Ram Narayan Singh to the bank account of aforesaid Santosh Kumar. Thereafter, Santosh Kumar withdrew the said money either by cash or through A.T.M. During internal audit, 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 the learned counsel for the petitioner is that the main accused Arun Kumar Sinha was granted bail by a coordinate Bench of this Court in Cr. Misc. No.63711 of 2018 with condition that he would deposit rupees seven lacs in the Madhya Bihar Gramin Bank. Arun Kumar Sinha has already deposited the said amount and he has been released on bail.

Learned counsel for the Economic Offences Unit submits that refund of money would not absolve of the criminal liability. Moreover, the petitioner has not completed one year of custody as yet.

The report of the trial Judge would reveal that the charge has not been framed as yet as petition for discharge of some other co-accused is pending consideration before the trial Court.

Considering the subsequent development aforesaid and chances of non-conclusion of trial in near future, let the petitioner, above named, be released on bail **after completion of one year of custody** on furnishing bail bond of Rs.20,000/-



(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Economic Offences Unit (E.O.U.) P.S. Case No.2 of 2018, with condition that petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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