IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4962 of 2019

Arising Out of PS. Case No.-178 Year-2018 Thana- SARAI District- Vaishali

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VIKAS KUMAR @ VIKAS GOSHWAMI, age 32 years (M), Son of Late Anil Giri, resident of village- 1843, Gali No. 7, Arthla, Mohan Nagar, P.S.- Sahibabad, District- Ghaziabad, (Uttar Pradesh).

... ... Petitioner

Versus

1. The State of Bihar.
2. Amrendra Kumar, Son of Sri Sahob Singh, Manager at UCO Bank, Sarai Branch, P.S.- Sarai, District- Vaishali, resident of village- Pirui, P.S.- Garaul District- Vaishali.

... ... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shravan Kumar Singh, Sr. Advocate and Mr. Dinesh Maharaj, Advocate.
For the State	:	Mr.Kalyan Shankar,A.P.P.
For the O.P. No. 2	:	Mr. Ranjeet Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 17-07-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 27.09.2018 in a case for the offence registered under Sections 420 and 406/34 of the IPC.

The prosecution story, in brief, is that on 06.07.2018 from the account of Sujit Kumar bearing Account No. 05410100005374, UCO Bank, Sarai, Vaishali, Rs. 5,25,900/- was transferred through RTGS to the account of Chandan Kumar, Dena Bank, Kolkata and on 09.07.2018, Rs. 5,15,985/- was transferred through RTGS to the account of Vikash Kumar (petitioner) bearing Account No. 0341001500046594, PNB, Gaziabad, and when on 14.08.2018, account holder Sujit Kumar gave an application to the Branch Manager, UCO Bank, Sarai, that he has not withdrawn any amount and above amount was transferred by cheating without his knowledge while he has original Cheque. Thereafter, a petition was given by Amrendra Kumar, Branch Manager, Sarai Bazar, to Thana Incharge of Sarai P.S., and on the basis of the above, case was registered and thereafter one F.I.R. named Vikash Kumar (petitioner) and one non-FIR accused namely, Banti Gri who is the full brother of Vikash Kumar, was arrested on 24.09.2018.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that on 06.07.2018, Rs. 5,25,900/- was transferred through RTGS from the account of Sujit Kumar to the account of Chandan Kumar and 09.07.2018, Rs. 5,15,985/- was transferred through RTGS to the account of Vikash Kumar (petitioner) and subsequently it was withdrawn from the Bank by way of fraud and cheating.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R.

Considering the nature of allegation made and the manner in which public money is said to have been looted, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sarai P.S. Case No. 178 of 2018, pending in the court of learned C.J.M. Vaishali at Hajipur.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

Learned counsel for opposite party no. 2 ensures that the prosecution will co-operate during trial.

(Sudhir Singh, J)

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