IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16116 of 2019

Arising Out of PS. Case No.-916 Year-2018 Thana- ARARIA District- Araria

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MUKUL KUMAR DUTT, Son of Birendra Kumar Dutt, Resident of Village - Fouji Colony, Ward No.04, Dholbajja, P.S.- Forbesganj, District - Araria

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Purnea District Central Co-Operative Bank Limited, Head Office, Purnea, through its Branch Manager, Araria

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Bidhanesh Misra
For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned counsel representing the opposite party no.2. No one appears for the State.

Petitioner is seeking anticipatory bail in connection with Araria P.S. Case No.916 of 2018 registered for the offences punishable under Sections 409 and 420/34 of the Indian Penal Code.

It is case of the prosecution that the petitioner while working as Computer Operator in Cooperative Bank, Araria Branch on contract basis had committed an act of fraud by way of embezzlement of bank's money to the tune of Rs.7,13,242/-. It is alleged that the amount has been transferred by the

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petitioner by using bank’s ID.

Learned counsel for the petitioner submits that in fact the petitioner has denied that he was ever engaged by the bank on contractual basis, moreover it would appear from perusal of the FIR itself that the amount in question has been refunded by the different account holders of the bank.

On the other hand, learned counsel for the opposite party no.2 has opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner had breached the trust and used the ID of the bank to embezzle the amount and it is only when it came to the notice of the bank, the amount was got transferred.

Considering the facts and circumstances of the case wherein this petitioner is said to have indulged in using ID of the bank and thereby transferred a sum of Rs.7,13,242/- in different accounts, even though it is stated that the amount has now been credited in the bank account, I am not inclined to grant anticipatory bail to the petitioner. In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered and will be disposed off on the same day considering the submissions inter alia that now the money has

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been returned to the bank without being prejudiced by the order of this Court.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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