

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13837 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- DARBHANGA District- Darbhanga

DEEPAK KUMAR, Son of Shyam Yadav, Resident of Village - Hanuman Nagar, PS- Keoti, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ravi Kumar Singh, son of Pradeep Kumar Singh, r/o New Patliputra Colony, P.S.-Patliputra, District- Patna, current address : 90 Feet Road, Beside Allahabad Bank, Kankerbagh, Malahi Pakari, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Babita Kumari, Advocate
For the Opposite Party No.1:		Mr. Nawal Kishore Prasad, APP
For the Opposite Party No.2:		Mr. Rajesh Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 25-07-2019 Heard learned counsel for the petitioner and learned APP for the State as well as counsel for the Opposite Party No.2.

Petitioner seeks bail in **Town P.S. Case No. 248 of 2018** instituted for the offence under Section(s) 406, 408, 409, 420, 465/34 Indian Penal Code and Sections 65, 66(B), 66(D), 67 of the IT Act.

It is alleged that on 07.12.2018 the informant received a letter from the Corporation Bank that from one of the ATM situated at GM Road, Income Tax Chowk, Darbhanga, an amount of Rs.2,94,82,500/- was defalcated during the period from November, 2017 to November, 2018. It is alleged that



during that period six operators including the petitioner and other accused persons were working as ATM operator. Accused persons were employee of Writer Safeguards Pvt. Ltd. The informant has given name of all the accused persons in bottom of the First Information Report. Accused persons had knowledge of password of ATM machines. It has further been alleged that the petitioner had tampered with the ATM machine and had been involved in misappropriation of huge amount of the bank.

Counter Affidavit has been filed by the Opposite Party No.2 stating therein that as per data provided by the Bank, the petitioner is responsible for shortage of Rs.2,94,82,500/- during the period in question. It is also mentioned in para 11 of the Counter Affidavit that petitioner has managed to hide his misdeeds by erasing the data from software of ATM. It has further been found that CCTV Camera of the concerned ATM was not functional and it appears that the said camera was deliberately made non-functional by the petitioner.

Counsel for the petitioner submits that only vague statements have been made by the Opposite Party No.2 in the Counter Affidavit. It is further submitted that petitioner has worked from 16.08.2017 to 08.02.2018 under one Mr. Ashok



Kumar Yadav and whatever amount was given to them by the bank, they used to deposit the same in the concerned ATM and the same is also evident from the printout which the concerned bank has taken from their respective ATMs. He also submitted that once money is taken from the bank to be deposited in ATM automatic message goes to the concerned bank upon deposit of such money in the ATM. There is no allegation during the period petitioner worked about shortage in deposit of money in any of the ATM. It has further been submitted that in the event lesser amount is deposited, the ATM will stop functioning till the exact amount is deposited or it is readjusted. In all ATMs, there are CCTV cameras. The IO has found that there was CCTV Camera. There is no footage showing petitioner has withdrawn any amount from ATM, in question.

In this manner, mere suspicion has been raised against the petitioner.

Petitioner is in custody since 16.12.2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate,**



Darbhanga, in connection with **Town P.S. Case No. 248 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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