IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78572 of 2018

Arising Out of PS. Case No.-108 Year-2016 Thana- MAHNAR District- Vaishali

==

Rajendra Prasad Yadav @ Rajendra Ray late Ram Vilas Rai Village - Naya Tola Hasanpur Palwaiya, P.S. Mahnar, District- Vaishali.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

==

Appearance :
For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.Sri Shailendra Kumar

==

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 07-03-2019 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with **Mahnar P.S. Case No. 108 of 2016** registered for the offence punishable under Section 409 r/w Section 34 of the Indian Penal Code.

It is alleged in the written complaint by the Branch Manager, Vaishali District Co-operative Bank Ltd. that he received complaint from account holder, Deepak Kumar, that an amount of Rs. 10,11,200/- has been withdrawn from his account and the money has been misappropriated. Thereafter, on the basis of office order of the Managing Director, two members enquiry committee was constituted. The enquiry committee after inspecting the statement of 23 depositors found that on various dates in conspiracy with each other the then Branch Manager, Rajendra Prasad Yadav @ Rajendra Rai (petitioner), clerk, Amod Kumar, and Cashier, Heera Kant Thakur, had fraudulently withdrawn and deposited the money. There was no voucher of aforesaid withdrawal and deposit of the money. The enquiry committee also found that such withdrawal and deposit of the amount was going on for last one year and in that manner the petitioner and other two persons have misappropriated crores of rupees of bank.

It has been submitted that petitioner joined in the Bank in 1977 and retired in January 2018 and has unblemished service record except for the period from 16.08.2014 to 10.12.2015 when he was in-charge Bank Manager. In 2012 the branch was attached and connected with CBS banking system. Petitioner was not acquainted with operation of computer and CBS banking system the management hired service on contract basis. Amod Kumar co-accused was hired on contract basis for computer operation and his password was misused and amount was embezzled.

Considering the nature of allegation against petitioner and embezzlement of huge amount of bank, I am not inclined to grant bail to the petitioner, accordingly, the prayer for bail is rejected at this stage. However, petitioner may renew his prayer for bail after **framing of charge**.

(S. Kumar, J)

veena/-

U		T	