IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74064 of 2018

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

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Pramod Singh @ Pramod Kumar Singh S/o Late Rajeshwar Prasad Singh, Resident of Mohalla- Karma Road, Police Line, P.S.- Aurangabad, District- Aurangabad.

... ... Petitioner/s

Versus

1. The State Of Bihar Through Economic Offence Unit, Bihar, Patna
2. The State of Bihar through Vigilance, Bihar, Patna.
3. Sri Surendra Prasad Singh, S/o Late Sheo Kumar Singh, Regional Officer, Madhya Bihar Gramin Bank, Regional Office, Aurangabad, Near Mrignainy Hotel, Maharajganj Road, Aurangabad, P.S.- Aurangabad T, District- Aurangabad Bihar.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar
For the Vigilance	:	Mr. Ajay Mishra
for the EOU	:	Mr. Vishwanath Pd. Sinha, Sr. adv Mrs. Soni Srivastava
for the Madhya Bihar Bank:		Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 25-01-2019 Heard Mr. Krishna Prasad Singh, the learned senior counsel for the petitioner, Mr. Ajay Mishra, the learned counsel for the Vigilance, Mr. Vishwanath Pd. Sinha, the learned senior counsel for the E.O.U. Patna and Mr. Suresh Prasad Singh, learned counsel for the Madhya Bihar Gramin Bank.

The petitioner apprehends his arrest in Special Case No. 10 of 2018, arising out of Economic Offence Unit P.S. case No. 2/2018, registered under Section 406, 409, 467, 468, 471, 472, 120B of the Indian Penal Code, Section 66 (C), 66(D), 66(E), 71, 72, 72(A) of the I.T. (Amendment) Act, 2008 and

Section 13 (2) read with 13 (1) (d) of Prevention of Corruption Act.

Surendra Prasad Singh, Regional Officer, Madhya Bihar Gramin Bank alleged that one Balkeshwar Singh opened F.D. account No. 70923103376490 of Rs. 20 lacs on 20.03.2013 for 93 months. The date of maturity of the account was 20.12.2020. One Arun Kr.Sinha, the then Branch Manager of Madhya Bihar Gramin Bank of Sehari branch using his own I.D. debited Rs. 7 lac from the F.D. account of Balkeshwar Singh and credited the same in the dormant account of Late Ram Narayan Singh. It transpired that one Helal Akhtar, the then Branch Manager of Madhya Bihar Gramin Bank, opened a fake account in the name of Santosh Kumar and transferred the aforesaid amount of Rs. 7 lac in the fake account of Santosh Kuamr and withdrew the entire amount. The allegation against petitioner is that he settled the account of Late Ram Narayan Singh on 30.05.2011 and Rs. 1697/- was paid to his widow but did not close that account and on account of this negligence Arun Sinha was able to debit Rs. 7 lac from the F.D. account of Balkeshwar Singh and credited the same in the dormant account of Late Ram Narayan Singh.

The learned senior counsel for the petitioner submits that there is no material on record to show that petitioner debited any amount or transferred any amount from the F.D. account of Balkeshwar Singh to the dormant account of Late Ram Narayan Singh. Arun Kumar Sinha, the then Branch Manger of Madhya Bihar Gramin Bank, who debited Rs. 7 lac from the F.D. account of Balkeshwar Singh and credited the same in dormant account of Late Ram Narayan Singh, later on the same was illegally transferred in the fake account of Santosh Kumar and withdrawn by Helal Akhtar, the then Branch Manager, has already been granted bail vide order dated 30.10.2018 passed in Cr. Misc. No. 63711 of 2018 after depositing Rs. 7 lac in Madhya Bihar Gramin Bank.

The learned senior counsel for the E.O.U, the learned counsel for the Vigilance and the learned counsel for the Madhya Bihar Gramin Bank could not produce any other material save and except the negligence on the part of petitioner that he could not close the dormant account of Late Ram Narayan Singh after settlement of the account and payment of Rs. 1697/- to the widow.

Considering the facts that petitioner did not interpolate or debit any amount from the F.D. account of Balkeshwar Singh and fault of the petitioner is only that he could not close the dormant account of Late Ram Narayan Singh, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged 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 learned Special Judge, 1st, Vigilance, Patna in connection with Special Case No. 10 of 2018, arising out of Economic Offence Unit P.S. case No. 2/2018 , subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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