

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50105 of 2019

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

ASHOK KUMAR YADAV, Gender – Male, aged about 26 years, Son of Mithilesh Kumar Yadav Resident of Village- Dahipura P.S.- Keoti, District- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar
2. Ravi Kumar Singh, son of Pradeep Kumar Singh, R/o – Patliputra Colony, P.S. - Patliputra, District – Patna at Present 90 Feet Road Near Allahabad Bank, Kankarbagh, Malahi Pakri, Patna – 20.
3. Corporation Bank, through its Managing Director, Patna.

... .. Opposite Parties.

with

CRIMINAL MISCELLANEOUS No. 38516 of 2019

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

MANOJ KUMAR YADAV, Male aged about 24 years, Son of Shambhu Ray Resident of Village - Namapur Khedi, P.S. - Chkmehsi, District - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. The Bank Manager, Corporation Bank, G.M. Road, Income Tax Chowk, District – Darbhanga.
3. Ravi Kumar Singh, son of Pradip Kumar Singh, R/o – Patliputra Colony, P.S. - Patliputra, District – Patna at Present 90 Feet Road Near Allahabad Bank, Kankarbagh, Malahi Pakri, Patna – 20.

... .. Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50105 of 2019)

For the Petitioner/s : Mr.Ajay Kr. Thakur, Advocate
Mr. Udbhar, Advocate

For the Opposite Party no.3: Mr. Prashant Kumar, Advocate

For the State : Mr. Anuj Kumar Shrivastava, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 38516 of 2019)

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Rajeev Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 22-10-2019 Heard learned counsel for the petitioners in both the applications. Learned counsel for the Bank as well as learned Additional Public Prosecutor for the State are also present and



have made their submission.

The petitioners in these two applications are seeking anticipatory bail in connection with Town P.S. Case No. 248 of 2018 registered under Sections 406/408/409/420/465/34 of the Indian Penal Code & Section 65/66(B)/66(D)/67 of the Information Technology Act, pending in the court of learned C.J.M., Darbhanga.

Learned counsel for the petitioners submit that these petitioners are said to be among the six employees of the Agency namely, Writers Safeguards Pvt. Ltd., who had been given contract to provide cash management service and used to deposit cash in the ATM of the Bank. It is alleged that in between November 2017 to November 2018 there was a shortfall of Rs. 2,94,82,500 in the ATM of the Corporation Bank situated at G.M. Road, Darbhanga and the said amount was allegedly defalcated during the said period. It is alleged that the six operators including these petitioners who were having the passwords were responsible for that defalcation as the allegation is that they had tempered with the ATM machine.

Learned counsel for the petitioners submit that the allegations are not substantiated by bringing any independent material and these petitioners have been named as accused only



because they happened to be the persons in possession of the passwords of the ATM. Learned counsel has explained that if there would have been any shortfall in filling-up of the cash in the ATM by the ATM Operators, that would have been signaled out through the machine and the Bank would have immediately come to know about the shortfall. It is further submitted that in all the ATMs CCTV Cameras are installed, but in course of the investigation, Investigating Officer has not found any footage showing these petitioners withdrawing any amount from the ATM.

Learned counsel for the Bank and learned A.P.P. have opposed the prayer for anticipatory bail of the petitioners. It is submitted that two similarly situated persons who were arrested by police have been granted privilege of regular bail by learned coordinate Bench of this court in Cr. Misc. No. 13837/2019 and Cr. Misc. 19616/2019. This being the position. The petitioners should also surrender and prayer for regular bail in the court below.

Having heard learned counsel for the parties and on perusal of the records, finding that in similar allegations other accused persons have been granted regular bail by learned coordinate Bench of this court, this court instead of granting



anticipatory bail to the petitioners thinks it just and proper to grant liberty to the petitioners to surrender and pray for regular bail in the court below within a period of four weeks from today. If such a prayer is made in the court below, the same will be considered keeping in view the order granting bail to the two other named accused persons who are said to be similarly situated with the petitioners and the application for the grant of regular bail shall be considered on the same day.

Both the applications stand disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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