

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82738 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- CHANAN District- Lakhisarai

Sunil Kumar Verma, son of Rajendra Prasad Verma, resident of village-
Dhanwah, P.S- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Manager S.B.I Branch Lakhisarai P.S. and District-Lakhisarai.
Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prakash Mahto, Advocate
For the State	:	Mr. Satyavrat Verma, APP
For State Bank of India	:	Mr. Sanjiv Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-12-2019

Heard learned counsel for the petitioner; and learned
APP for the State and learned counsel for the State Bank of
India.

2. The petitioner seeks bail in connection with
Chanan PS Case No.188 of 2018 dated 13.12.2018 instituted
under Sections 406, 409 and 420 of the Indian Penal Code.

3. The allegation against the petitioner is that he being
the operator of AEPS system running Consumer Service Point
(CSP) on 03.10.2018 and 13.10.2018, rupees ten thousand and
rupees nine thousand respectively were shown to have been
withdrawn from the account of the informant without actually
money being paid to her, in the presence of the petitioner. It has



further been alleged that the petitioner had assured the informant to return the money, but when the same did not happen, FIR was lodged.

4. Learned counsel for the petitioner submitted that the money is received only upon the thumb impression of the consumer being matched in the machine and the informant having initiated such exercise, payment was received by her as is reflected from the entry made in the Pass Book. It was submitted that the petitioner is not responsible even if there is any legality committed as he is not aware as to who was the person, who may have been responsible. It was submitted that the petitioner has also represented to the Secretary, District Legal Services, Lakhisarai, for getting a thorough enquiry conducted. It was submitted that the petitioner is in custody since 11.09.2019.

5. Learned APP and learned counsel for the Bank submitted that the transaction has been shown to be complete and money withdrawn from the account of the informant and she being duped in such manner after having operated the AEPS system, which was installed in the house of the petitioner and is operated only in his presence, the petitioner cannot shirk his responsibility in the matter.



6. At this juncture, learned counsel for the petitioner submitted that he is ready to give rupees nineteen thousand to the informant. However, it was submitted that if the real culprit is caught, he may be given right to recover the money from him.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the ACJM 1st, Lakhisarai, in Chanan PS Case No.188 of 2018, subject to payment of rupees nineteen thousand to the informant. The Court shall verify with regard to actual payment made by the petitioner to the informant before passing order of release.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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