

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19683 of 2020**

Arising Out of PS. Case No.-340 Year-2016 Thana- CIVIL LINE District- Gaya

OM PRAKASH NAND S/o Braj Nandan Ravidas R/o Hans Bhawan, in front of Panchmukhi Shiv Mandir, Kumhar Toli, Manpur, P.S.- Muffasil, Distt- Gaya

... .. Petitioner/s

Versus

State of Bihar through S.P., Economics Offence P.S., Patna Patna

... .. Opposite Party/s

**Appearance :**

|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| For the Petitioner/s              | : | Mr. Yogesh Chand Verma,  |
| For the Opposite Party/s (E.O.U.) | : | Mr. Vishwanath Pd. Singh |
|                                   | : | Mr. Vijay Anand          |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      13-10-2020                      The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned Senior counsel for the petitioner, Sri Yogesh Chand Verma and Sri Vishwanath Pd. Singh assisted by Sri Vijay Anand, the learned counsel for the E.O.U.

The petitioner seeks regular bail in connection with Civil Lines (Gaya) PS case no. 340 of 2016 instituted for the offences punishable under Sections 419, 420, 467, 468, 469, 471, 120(B) of Indian Penal Code Sections 13(1)(d) & 1(2) of P.C. Act.

The case of the prosecution in brief is that



huge sums of money was deposited and then withdrawn from the account of the informant, his brother and his wife, although they are not stated to have deposited or withdrawn any such amount from their bank account.

The learned Senior counsel for the petitioner has submitted that the petitioner is merely a Head Cashier of the Bank of India, G.B. Road Branch, Gaya and has got no role to play in the alleged occurrence, inasmuch his job is only to receive amount from the depositors and make entries accordingly, however he has got no concern, either with cash transfer or passing of the cheques. It is further submitted that the prosecution has till date not been able to show that either the cash amount was deposited by the petitioner or he had withdrawn the same and infact, no material has been brought on record to demonstrate the complicity of the petitioner in the alleged occurrence. It is also submitted that the petitioner was not named in the F.I.R. and he has been subsequently made an accused in the present case. Lastly, it is submitted that similarly situated co-accused person namely Subhash Chandra Jha has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 03.05.2018, passed in Cr. Misc. no. 26384 of 2018. The petitioner is stated to be



languishing in custody since 02.03.2020.

The learned Senior Counsel Sri Vishwanath Pd. Singh appearing for the Economic Offence Unit, Patna has, on the contrary, submitted that a huge sum of money has been deposited by the co-accused person namely Motilal in the account of the informant and he has also withdrawn the amount from the said account which has already stood corroborated from the forensic examination of the seized R.T.G.S. form, deposit pay-in-slip and cheques and the same have found to be carrying the hand-writing of the co-accused Motilal, whereas the signatures made on the same are of the informant and his wife. It is further submitted that the petitioner being the Head Cashier of the Bank was instrumental in facilitating the illegal transactions in question and entries/ verification work was done by the Bank officials including the petitioner herein.

*Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that minuscule evidence has come to the fore, *qua* the petitioner herein, regarding his complicity in the alleged occurrence coupled with



the fact that the petitioner is having a clean antecedent and is languishing in custody since 02.03.2020 as also taking into account the fact that there is no whisper, either in the written statement filed by the E.O.U., Patna or in the arguments advanced by the learned Senior Counsel for the E.O.U., Patna that further custody of the petitioner is required for custodial interrogation, I deem it fit and appropriate to direct for release of the petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-1st, Patna in connection with Civil Lines (Gaya) PS case no. 340 of 2016.

**(Mohit Kumar Shah, J)**

rinkee/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

