IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53082 of 2019

Arising Out of PS. Case No.-20 Year-2017 Thana- C.B.I CASE District- Patna

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SUNNY SHEKHAR SINGH, aged about 30 years, Male, Son of Rajendra Singh, Resident of Village- Basudeopur, Police Station- Kotwali, District- Munger.

... ... Petitioner

Versus

UNION OF INDIA, THROUGH THE S. P., C B I / ACB / PATNA Bihar

... ... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Arun, Advocate.
For the Opposite Party	:	Mr. Bipin Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

7 19-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned counsel for the C.B.I.

The petitioner is apprehending his arrest in a case for the offence registered under Section 120(B) read with Sections 409, 420, 467, 468, 471, 477(A) of the I.P.C. and Section 13(2) read with Sections 13(1)(d) of P.C. Act, 1988.

The prosecution story, in brief, is that Rs. 95,39,100/- was withdrawn through 16 Saving Account by preparing false withdrawal slips or through A.T.Ms. Accused persons made false entries in the system/prepared false deposit slips showing deposit of Rs. 1,15,51,117/- and further withdrawal of amount of Rs. 95,39,100/- on the basis of false withdrawal slips or through A.T.Ms.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has transpired in the present case in course of investigation. It is alleged that the petitioner, being a Data Entry Operator, in collusion with the F.I.R. named accused persons, by preparing false withdrawal slips, had misappropriated huge amount belonging to the Post Office. The said allegation is denied by the petitioner. It is submitted that the petitioner used to supply milk in the house of co-accused, namely, Mrs. Talat Sultana.

On behalf of learned counsel for the C.B.I., Mr. Bipin Kumar Sinha, submits that the petitioner is not named in the F.I.R. But, in course of investigation, it has transpired that the petitioner was hired as a Data Entry Operator by the co-accused for committing fake withdrawal of Rs. 95,39,100/-. It has further been submitted by him that the accused persons made fake entries in the system showing fake deposit of Rs.

1,15,51,117/- and thereafter Rs. 95,39,100/-. was withdrawn.

The anticipatory bail applications of co-accused Gautam Kumar and co-accused Mrs. Talat Sultana have already been rejected by Co-ordinate Benches of this Court vide Cr. Misc. No. 57933 of 2018 under order dated 11.12.2018 and Cr. Misc. No. 31299 of 2018 under order dated 17.06.2020 respectively.

Considering the facts and circumstances of the case and taking into account the misappropriation of huge public money also, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Special Case No. 12/2017, arising out of R/C Case No. 20A/2017, pending in the court of learned Special Judge, C.B.I.-II, Patna.

(Sudhir Singh, J)

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