

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13087 of 2021

Arising Out of PS. Case No.-6 Year-2019 Thana- KARAI PARSURAI District- Nalanda

Rakesh Kumar Sinha @ Rakesh Kumar, Son of Late - Santosh Kumar Sinha
@ Santosh Kumar, Resident of Teacher's Colony, Begalipart, Sheikhpura,
Police Station - Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Dakshin Bihar Gramin Bank through its Chairman, having office
Ashochak, Near Highway Service Petrol Pump, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Samir Kumar, Advocate Mr. Saurabh Singh, Advocate
For the Informant	:	Mr. Mahesh Narayan Parbat, Sr. Advocate. Mr. Sanjay Kumar Jha, Advocate.
For the Opposite Party/s	:	Mr. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

12 17-11-2021 The applicant/accused in Crime No. 06 of 2019

registered with Karai Parsurai Police Station for the offences

punishable under Sections 420, 409, 120(B) read with Section

34 of the Indian Penal Code registered at the instance of one,

Manoj Kumar, who is Branch Manager of Bihar Gramin Bank

by this application is seeking his release on bail during the

pendency of the trial.

Heard the learned counsel appearing for the
applicant/accused. By taking through the record, he argued that
now the applicant is no more in service and he is already
removed in pursuant to the domestic inquiry conducted against



him by the Bihar Gramin Bank. It is further submitted that the applicant is behind the bars from 07.11.2020 and the charge sheet has already been filed. The learned counsel for the applicant further submitted that entire money which is stated to be misappropriated is already with the Bihar Gramin Bank.

As against this, the learned Senior counsel appearing for the informant submits that the applicant has transferred an amount of Rs.14.50 lacs to the account of his brother and the audit report demonstrates that he has misappropriated public money deposited with the Bihar Gramin Bank. He further argues that the money was temporarily embezzled in order to earn the interest.

The learned Government pleader opposed the application by contending that the offence is financial and is having serious repercussion on society.

I have considered the submissions so advance and also perused the materials placed on record.

Undisputedly, financial offences are class apart and are to be given different treatment as such offences affects social fabric of the society. However in the instant case, it is not in dispute that the entire money allegedly embezzled by the applicant/accused is already with Bihar Gramin Bank. The



Investigation of the crime in question is over. It is reported that in pursuant to the domestic inquiry, the applicant is already removed from service meaning thereby that now he shall not have access to any record and he will not be in a position to tamper the prosecution evidence. Even otherwise case of the prosecution is based on audit report.

Prima facie, it appears that book entries are made in order to achieve target and in that process some money was even transferred to brother of the present applicant, who happens to be Branch Manager of the Bihar Gramin Bank.

Be that as it may, as the investigation is already over and the evidence is in the form of documents to which neither the applicant shall have any access nor he is in a position to tamper the same because of his removal from service, the applicant deserves to be released on bail and therefore, the order:-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 06 of 2019 registered with Karai Parsurai Police Station for the offences punishable under Sections 420, 409, 120(B) read with Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on



furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(A. M. Badar, J)

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