

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22204 of 2020

Arising Out of PS. Case No.-189 Year-2019 Thana- JALE District- Darbhanga

1. Upendra Sahni Son of Late Sarjug Sahni Resident of Village - Parsauni, P.S.- Pupri, District - Sitamarhi.
2. Lal Sahni Son of Jari Sahni @ Jhari Sahni Resident of Village - Gulariya Tola, P.S. - Benipatti, District - Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 13094 of 2021

Arising Out of PS. Case No.-189 Year-2019 Thana- JALE District- Darbhanga

Sunil Kumar S/O Upendra Sahni Resident of Village- Parsauni, Police Station - Pupri, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22204 of 2020)

For the Petitioners : Mr. Bijay Bhushan Prasad

For the Opposite Party : Mr. Awadhesh Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 13094 of 2021)

For the Petitioner : Mr. Bijay Bhushan Prasad

For the Opposite Party : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 25-03-2021 Both these applications arise out of same Jale P.S.

Case No. 189 of 2019, registered for the offence punishable under Sections 406, 408, 420/34 of the Indian Penal Code. They have been heard together and are being disposed of by the present order.

Heard learned counsel for the parties.

The petitioner Sunil Kumar of Cr. Misc. No. 13094



of 2021 is son of petitioner No.1 of Cr. Misc. No. 22204 of 2020. Petitioner No. 2 of Cr. Misc. No. 22204 of 2020 is brother-in-law of the petitioner Sunil Kumar of Cr. Misc. No. 13094 of 2021.

It is alleged in the First Information Report that Sunil Kumar is operator of a Customer Service Center under the supervision and control of the Jale Branch of the State Bank of India, established for convenience of the customers. Under the said service, provided by the State Bank of India, the customers had the option of depositing and withdrawing money from their account at the Customer Service Centre itself instead of going to the Branch for the same. Allegedly, the petitioner fraudulently embezzled huge sum of money deposited by various customers and when they went to the Customer Service Centre for withdrawal of amount, the accused persons initially avoided them on one pretext or the other and when they finally approached the Branch, they learnt that the accused persons had not deposited the amount in respective account of the customers, rather they had misappropriated huge sum of money. It appears that several complaints had been received by the State Bank of India and on preliminary enquiry, misappropriation of a sum of Rs. 20 lac has been assessed.



Learned counsel appearing on behalf of the petitioners has drawn my attention to the statement made in paragraph 6 of the supplementary affidavit filed on behalf of the petitioner Sunil Kumar of Cr. Misc. No. 13094 of 2021, wherein he has expressed his willingness not only to cooperate with the enquiry, but also to deposit the entire amount of Rs. 20 lac in installments, if allowed anticipatory bail. It has also been argued on behalf of the petitioners of Cr. Misc. No. 22204 of 2020 (Upendra Sahnai and another vs. The State of Bihar) that they have been implicated only because of their relationship with the petitioner Sunil Kumar of Cr. Misc. No. 13094 of 2021.

Be that as it may, considering the facts and circumstances of the case, these applications are allowed.

Let the petitioners above named, in the event of their arrest/surrender within two weeks after four months from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Darbhanga, in Jale P.S. Case No. 189 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner of Cr. Misc. No. 13094 of 2021 shall



be at liberty to deposit, in appropriate account of the State Bank of India, Jale Branch, the amount of Rs. 20 lac within four months from today in four equal monthly installments beginning from Monday (29.03.2021). It is further observed that while releasing the petitioners on bail by virtue of the present order, the court below will be required to examine whether petitioner Sunil Kumar of Cr. Misc. No. 13094 of 2021 has deposited the said amount of Rs. 20 lac or not. For four months from today, no coercive action shall be taken against the petitioners in connection with Jale P.S. Case No. 189 of 2019.

This is subject to the further condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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