

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14288 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- DURAULI District- Siwan

SHASHI KANT TIWARI @ SHASHIKANT TIWARY S/o Mithilesh Kumari
Tiware Resident of Village- Atwa Karan, P.S.- Hathua, Distt- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 21118 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- DURAULI District- Siwan

CHHOTELAL GUPTA Son of Chandeshwar Prasad Resident of Village-
Paigambarpur, P.S.- Baniapur, District- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14288 of 2021)

For the Petitioner/s	:	Mr. Sanjeev Kumar
For the State	:	Mr. Bhanu Pratap Singh, APP.
For the Informant	:	Mr. Ajay Kumar Pandey, Advocate

(In CRIMINAL MISCELLANEOUS No. 21118 of 2021)

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Sanjeev Nikesh, Advocate
For the State	:	Mr. Kalyan Shankar, APP.
For the Informant	:	Mr. Ajay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 07-09-2021 Heard the parties in virtual Court proceeding.

The petitioners are languishing in custody for the
offences punishable under Sections 409, 420, 120(B) of the
I.P.C.

The petitioners are employees of CMS Infosystems



Limited. They were assigned with the task of loading currency notes in the ATMs of State Bank of India. Rupees one crore twelve lacs was handed over to the team of five persons of which the petitioners were custodian and others were gunman and driver of the van on which cash was being carried. All the money was not loaded in the ATM machines, hence, on audit the FIR was lodged.

During investigation, it surfaced that petitioner Chhotelal Gupta got down on the way on the pretext that his mother was ill in the hospital. Another petitioner Shashi Kant Tiwari was found unconscious at one of the ATM machines and some of the cash were found scattered. The police did not seize the cash nor counting of the same was made available as to what denomination of currency was found scattered and what was handed over for loading in the ATM machines.

Learned counsel for the petitioners submits on the basis of aforesaid material that one of the petitioner Chhotelal Gupta was not there throughout, hence, he was not responsible for the embezzlement alleged. Petitioner Shashi Kant Tiwari was found unconscious by the police, hence, it was doubtful as to under what circumstances the bag containing cash got missing. Petitioners are in custody since 22.10.2020.



Investigation of the case is already complete. Co-accused Pratap Kumar has already been allowed bail by a co-ordinate Bench of this Court.

Learned counsel for the informant opposed the prayer for bail.

Considering the nature of responsibility of the petitioners and the manner in which the responsibility was discharged makes it abundantly clear that there was some prior meeting of mind for embezzlement of the public money, hence, I am not inclined to enlarge the petitioners on bail at this stage. Prayer for bail is refused in connection with Darauli P.S. Case No. 207 of 2020 pending in the court of learned Chief Judicial Magistrate, Siwan/concerned court.

Petitioners may renew prayer for bail after framing of the charges or after completion of six months of custody from today, whichever is earlier before the court below itself.

(Birendra Kumar, J)

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