IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27722 of 2021
Arising Out of PS. Case No.-2 Year-2021 Thana- GANDHIMAIDAN District- Patna

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SUMIT KUMAR Son of Rajendra Singh Resident of Near SB College, Maula Bagh, P.O. , P.S. and District- Arrah, (Bhojpur)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv
		Mr.Alok Kumar Alok, Adv
For the State	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Sandip Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 21-09-2021 Heard learned counsel for the parties.

Petitioner seeks regular bail in Gandhi Maidan PS Case No. 02 of 2021 registered for the offence punishable under Sections 419, 420, 467, 468, & 471 of the Indian Penal Code.

Informant is Manager of Kotak Mahindra Bank, Exhibition Road Branch, who in his written complaint has alleged that accused Shubham Gupta came with three RTGS forms along with forged/ fake signature to transfer sum of Rs. 11,73,12,721/- from account no. 1612046806 of NHAI (Govt. Account) into the account of B.S. Enterprises, in ICICI Bank, Boring Road Branch, Patna. Accused Shubham Gupta submitted three RTGS forms which were filled up along with three letters on the letter head of NHAI and a copy of Aadhar Card of Pankaj Patel with fake signatures of informant.

As the transactions appeared to be suspicious, the Bank sought information from the authorized signatory of the account holder of the bank account Pankaj Patel (District Land Acquisition Officer) who informed that the document submitted with the bank was forged and fake and with such allegations FIR was instituted.

It has been submitted by learned counsel for the petitioner that petitioner is neither named in the FIR nor any specific allegation has been levelled against him. The name of the petitioner has surfaced in this case on the basis of confessional statement of accused Shubham Gupta. Petitioner was working as Branch Manager, in the Kotak Mahindra Bank, Ltd., Boring Road Branch, at the time of alleged occurrence and none of the transactions from NHAI account to private accounts has been done by petitioner. Petitioner has got no criminal antecedent and is in custody since 03.02.2021.

During investigation, a big raket was unearthed of transferring of Govt. money from its bank account to private agencies and private persons in their account on the basis of forged documents and fake signatures and complicity and involvement of bank officials were also found.

During period of 18 months about 9 crores and 6 lacs rupees were credited into the account of wife of petitioner. Accused Sandip Kumar Gupta and petitioner were having good friendship and petitioner opened an account of accused Sandip Kumar Gupta in his branch and a separate account was also opened by him in the name of his wife in which transaction of more than 9 crore rupees was found in a short span. It has come during investigation that fake Aadhar Card of Pankaj Patel was sent from the personal ID of petitioner to his official email address. All the accused including the petitioner remained in touch with each other. There is misappropriation and defalcation of Rs. 31,92,70,129/-.

It is submitted on behalf of Informant Bank that petitioner in connivance with other accused are involved in illegal transfer of an amount of Rs. 31,92,70,129/- from the account of NHAI during the period ranging between 04.11.2020 to 15.12.2020 to the account of private agencies and private persons. All transactions were made using the same modus operandi as was used by FIR named accused Shubham Kumar Gupta. Three of such illegal transfers of Rs. 8,77,02,029/- dated 15.12.2020, made to the account of Red Rose Private Limited from the Boring Road Branch where petitioner was branch Manager. Petitioner in authority as branch operation manager, responded fraudulently in October-2019 to anti money laundering alert received from Head Office about suspicious transactions in Neeta Singh's account who was his wife, by concealing relation and did not disclose that Neeta Singh was his wife at the time of opening of the Bank Account. Two colour photocopies of sovereign gold bonds issued in July-2020 for a sum of Rs. 48.52 Lacs issued in the name of Saurabh Kumar was found in the Drawer of petitioner. It is alleged that petitioner was instrumental in fraudulent withdrawal of Rs. 35 Lacs from the accounts of Sandeep Kumar Gupta and Shahrukh Khan @ Riju who were account holders of the bank.

Petitioner was found present on the both the occasions when attempt of fraudulent withdrawal was made in the Exhibition Road Branch of Kotak Mahindra Bank although there was no reason for him to be present there.

Considering the aforesaid facts and circumstances of the case, the prayer for bail of the petitioner is hereby rejected.

(S. Kumar, J)

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