IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41058 of 2020

Arising Out of PS. Case No.-2097 Year-2018 Thana- BEGUSARAI COMPLAINT CASE District- Begusarai

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Krishna Kumar, Son Of Sri Nand Kumar Choudhari, Resident Of Village- Sherpur, Post- Sherpur, P.S.- Vidyapati Nagar, District- Samastipur, Bihar- 848503.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rohit Mishra- Advocate
For the Opposite Party/s : Mr. Satyendra Prasad- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-10-2021 Heard the learned Advocate for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No.2097 of 2018, instituted for the offences under Sections 406 and 504 of the Indian Penal Code.

The learned counsel for the petitioner submits that petitioner was the then Branch Manager of State Bank of India Makkhachak Branch, Bakhri, Begusarai and is a person with clean antecedents.

From bare perusal of the F.I.R., it would manifest that the complainant has alleged that on 29.07.2018, he took

ATM from the branch and generated Pin at ATM machine installed at Satyara Chowk, Manjhaul and thereafter withdrew Rs.1,000/- from the ATM machine. On 30.07.2018, the complainant received messages on his mobile regarding six withdrawals from his account total amounting to Rs.1,26,000/- was withdrawn, the balance was shown Rs.443/-.

The said occurrence was intimated to the petitioner being the Branch Manager. It is alleged that the petitioner tried to mislead the complainant. The complainant also made complaint to the local police station and two police officers went in the branch and returned after inquiry from the petitioner and started threatening the complainant. It is further alleged that when the petitioner got the statement of account of the informant, he came to know that Rs.79,000/- was withdrawn from the ATM machine installed at Samastipur Railway Station and Rs.47,000/- has been transferred to the A/c No.0031178537189 which is in the name of Dilip Kumar. The said fact was also informed to the petitioner herein. But the petitioner did not register proper complaint. It is further alleged that the amount of Rs.23,000/- was returned in the account of the complainant and also rest of the amount the complainant only got assurance from the petitioner.

Learned counsel for the petitioner submits that petitioner is the Branch Manager and he is nowhere concerned with the withdrawal from the ATM which is outsourced and is being managed by private firm for its operation. However, the learned counsel for the petitioner submits that since no F.I.R. was instituted. The petitioner in no manner is responsible for the occurrence. Further the petitioner the Branch Manager. As such, he will not abscond and will cooperate in the trial.

The learned A.P.P. vehemently opposes the anticipatory bail application of the petitioner.

Considering the fact that the petitioner is a Branch Manager and is not prima facie responsible for withdrawal from the ATM which has been managed by a private firm. As such, this Court is inclined to grant anticipatory bail to the petitioner.

Regard being had to the facts afore-stated, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Rajeev Ranjan, learned Judicial Magistrate, 1st Class, Begusarai in connection with Complaint Case No.2097C of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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