

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5039 of 2021

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

Rajesh Kumar, Son Of Late Santosh Kumar, R/O Village- Teachers Colony
Bengalipar, P.S.-sheikhpura, District- Sheikhpura, At Present Assistant
Section Officer Department Of Urban Development And Housing
Department, Jharkhand, Ranchi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain- Sr. Advocate

For the Opposite Party/s : Mr. Rajesh Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-06-2021 Heard Mr. Rajendra Narain, the learned Senior

Advocate for the petitioner and Mr. Rajesh Kumar, the learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with KaraiParsurai P. S. Case No.06 of
2019, instituted for the offences under Sections 420, 409,
120(B)/ 34 of the Indian Penal Code.

There had been an unauthorized and illegal
siphoning of an amount of Rs.1,18,77,155/- from Madhya
Gramin Bank. In the audit of the bank, it was found that four
persons were to be blamed for such unauthorized siphoning, one
of them being Rakesh Kumar Sinha, Ex-Branch Manager, who
unfortunately is related to the petitioner. The petitioner is



brother of aforesaid Rakesh Kumar Sinha.

In the inquiry report, there is no recommendation for levelling any accusation against the petitioner. However, the petitioner is being prosecuted in this case on the ground that in his savings bank account, Rs.14,50,000/- was deposited by four sources.

The explanation given by the petitioner is that he required money for the treatment of his brother and, therefore, he had asked Rakesh Kumar Sinha, his brother to obtain funds for him. Rakesh Kumar Sinha managed the fund from four different sources with the condition that the aforesaid amount of money ought to be returned within two months by paying a further amount of Rs.50,000/- over and above the loan amount.

Hence, the prosecution of the petitioner as the tainted money was parked in the savings account of the petitioner.

Mr. Rajendra Narain, the learned Senior Advocate for the petitioner has tried to impress upon this Court that even if such amount was credited in the savings bank account of the petitioner, he was not to be blamed for the same as he has given a definite explanation for such amount to be credited in his account. It was a loan amount given by Rakesh Kumar Sinha,



who is his brother. Following his directions, the loan amount was returned within a period of two months. The documents brought on record by the petitioner show the credit of the aforesaid amount and its return to their respective creditors.

On the strength of the aforesaid documents, Mr. Narain, the learned Senior Advocate contends that the petitioner might have acted in a naive manner, but he is certainly not to be blamed for the unauthorized taking away of money from the bank. It was his mistake to rely upon his brother, who managed an amount of Rs.14,50,000/- credited in his bank account.

This explanation, on face of it, is not acceptable to the Court as the petitioner is a Government Employee posted in the State of Jharkhand. He is not expected to display such naivete.

Apart from this, the source of credit is from four persons. This ought to have alarmed the petitioner of the red herring in the matter. The petitioner cannot be but the absolved of the guilt of conspiracy. It does not matter if there has not been any financial loss to the bank and that shall be no defence to anyone of the accused persons including the petitioner.

For the aforesaid reasons, I am not inclined to exercise my discretion for grant of anticipatory bail to the



petitioner.

The prayer for anticipatory bail is rejected.

However, looking at the fact that the petitioner was not directly associated with the bank and that he came up with an explanation forthwith way back during the time of audit with respect to the amount being credited in his bank account and his action of returning the amount within a period of two months to the creditors, this Court is inclined to observe that if the petitioner surrenders before the Court below and seeks bail, it shall be considered on the afore-noted grounds and an order shall be passed without being prejudiced by the fact that the present petition on his behalf for anticipatory bail has not been entertained.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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