

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10915 of 2021**

Arising Out of PS. Case No.-586 Year-2020 Thana- SASARAM NAGAR District- Rohtas

Yadunath Pandey @ Bhaiji son of Late Mani Bhushan Pandey R/O- Manas
Road, Kila Gola, Sasaram, District- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Aditya Shankar Prasad, Advocate

Mr. Dudh Nath Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 15-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sasaram Town P.S. Case No. 586 of 2020 registered for the offences punishable under Section 419, 420 and 379 of the Indian Penal Code. Petitioner is in custody in connection with this case since 02.11.2020.

Learned counsel for the petitioner submits that as per the First Information Report the fixed deposit worth Rs. 40 lakhs belonging to the informant have been misappropriated through net banking. In course of investigation, co-accused Amit Kumar who has a qualification of Master in Computer Application was arrested. In his confessional statement, he disclosed the names of the employees of Axis Bank where the



fixed deposit account of the informant was opened. This petitioner is said to be an employee of the Max Life Insurance Company where he is working as Deputy Cluster Manager.

Learned counsel submits that the co-accused Amit Kumar Gupta has disclosed in his confessional statement that for purpose of withdrawal of money the android mobile phone of co-accused Prakash Kumar was used. The role of the petitioner was limited to downloading of the Axis Bank App and installation thereof for purpose of net banking.

Learned counsel further submits that the installation of App for net banking cannot be said to be a step towards entering into a conspiracy with the co-accused because such Apps are available on the play stores and it is in public domain. The petitioner was never aware of any such plan of the co-accused.

Learned counsel further submits that in his confessional statement the co-accused Amit Kumar Gupta has disclosed about the distribution of booty/money which was withdrawn. So far as this petitioner is concerned, his name has not transpired as one who have shared the booty. Learned counsel says that the fact that in the confessional statement there is no statement that this petitioner has received any money



shows the bonafide of the petitioner.

Learned counsel further submits that the petitioner is suffering from HIV illness and in the present days Covid-19 situation he is likely to suffer if he is kept in detention for a long time. He is ready to abide by such terms and conditions which may be imposed upon him for purpose of securing his presence in course of trial.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, as according to him, this petitioner has helped the co-accused in starting the net banking by installing the Axis Bank App on the android mobile of co-accused Prakash Kumar.

Considering the facts and circumstances of the case wherein the limited role which has been assigned to this petitioner is that he had installed the Axis Bank App on the android mobile of the co-accused Prakash Kumar, no further role has been assigned to this petitioner in the matter of transactions through the net banking, the petitioner is not the employee of Axis Bank and as such he could not have helped the co-accused by providing the password etc. which are required for purpose of net banking, he is also suffering from HIV illness and has continued in custody for over six months,



investigation against him is complete but the trial is not likely to take place in near future, in the circumstances this Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sasaram Town P.S. Case No. 586/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

