IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12491 of 2021

Arising Out of PS. Case No.-477 Year-2020 Thana- SAKRA District- Muzaffarpur

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VIKKAY JAISWAL SON OF SRI PARSHURAM JAISWAL @ PARSHURAM CHAUDHARY R/o village and P.O.- Bakhra, P.S.- Saraiya, District- Muzaffarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Shashi Bhushan Kumar, Adv.
For the Opposite Party/s : Mr. Akhileshwar Daya, APP
For the Bank : Mr. Satyanand Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-01-2022 Heard Mr. Shashibhushan Kumar, the learned counsel for the petitioner and Mr. Satyanand Sharma, the learned Advocate for the North Bihar Gramin Bank. The State is represented by Mr. Akhileshwar Dayal, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Sakra (Bariyarpur O.P.) P.S. Case No. 477/2020 instituted for the offences under Sections 409, 420, 468, 120(B) and 34 of the Indian Penal Code.

The accusation in the F.I.R. is that huge amount of money was deposited in different accounts with the connivance of the employees posted in the aforesaid Bank.

So far as the petitioner is concerned, he was posted as a Probationary Officer in the said Bank. So far as the accusation against him is concerned, he is said to have lent his user -ID for deposit of interest in some other account where it ought not to have been deposited. The overall accusation is that in different accounts, there has been an embezzlement of approximately Rs. 22, 07, 326/-.

The learned counsel for the petitioner has submitted that the accusation is absolutely vague and does not signify anything except for naming all such employees of the bank when some embezzlement was found out during the regular audit of bank accounts. So far as the petitioner is concerned, the case diary indicates that he is also responsible for the anomaly in the credit and debit of interest in respect bank accounts.

The learned counsel for the petitioner, therefore, submits that such accusation is based on no material whatsoever. The petitioner was a young probationer in the bank at the time when this anomaly was unearthed. Without his knowledge, his user -ID appears to have been used. It does not appear from the entire records that the petitioner nor has been a beneficiary of such embezzlement or that he was acting at the behest of any other beneficiary in an illegal manner.

Considering the afore-noted submissions and the facts of this case. the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Muzaffarpur, in connection with Sakra (Bariyarpur O.P.) P.S. Case No. 477/2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

However, the petitioner is cautioned to participate in the investigation to the fullest. In case it is found that he is avoiding the investigation process and is not forthcoming with the information which he has, it would be open for the Investigating Agency to proceed for cancellation of his anticipatory bail. In that event, the court below shall proceed promptly in that direction.

(Ashutosh Kumar, J)

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