IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26771 of 2022

Arising Out of PS. Case No.-596 Year-2021 Thana- MUZAFFARPUR TOWN District-Muzaffarpur

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Nitesh Kumar Singh S/o Tej narayan Singh Resident of - Pupri, P.S. - Kudhani (Turki O.P.), Dist.- Muzaffarpur. ... ... Petitioner

Versus

The State of Bihar ... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr.Dwij Raj, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard Mr. Dwij Raj, the learned counsel for the petitioner and Mr. Bharat Bhushan, the learned APP for the States in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The case has been registered under sections Muzaffarpur Town P.S. Case No. 596 of 2021 under sections 379, 467, 471, 420, 120(B) of the Indian Penal Code.

The informant is a retired Professor.

The factual matrix of this case is that the informant, namely, Mina Kumari retired Professor, submitted a written/typed report to the officer-in-charge Cyber Crime Department, Bihar and Town P.S., Muzaffarpur against unknown offender including the officials of telephone department and the concerned Bank (in which the informant has savings bank account bearing no. 033400000045635), the

Punjab National Bank, Jawaharlal Road, Muzaffarpur regarding online fraud committed against her savings account whereby huge amount of her savings to the tune of Rs. 1 crore 7 lakh and 75 thousands was fraudulently withdrawn through RTGS mode in between 10.06.2021 to 15.06.2021. It has also been alleged that the informant came to know about online fraud when she went to P.N.B. Khabra Road branch for withdrawal of money on 09.08.2021, where she was reported about insufficient fund in her account. Further she was asked to contact her parent branch at Jawaharlal Road. She accordingly contacted the parent branch and got her passbook updated and then came to know about the fraud and thereafter lodged FIR.

Learned counsel for the petitioner submits that he is government employee, an Assistant in the Punjab National Bank, M.P. Science College Branch, Muzaffarpur whereas the informant has two accounts in two branches at Jawaharlal Road, Muzaffarpur and Khabra Road branch of Punjab National Bank. It has further been submitted that the entire case is false and baseless and his name has come up only on the confessional statement of co-accused namely Md. Jafar Iqbal and Mananjay Kumar Singh which led to his implication.

Per contra, Mr. Bharat Bhushan, the learned APP appearing on behalf of the State a bare perusal of the allegation shows that during the investigation, the Investigating Officer found that it was the petitioner herein who shared the account details of the informant which led to the fraud. He further submits that there has been recovery of xerox copy of passbooks and account details from the house of the petitioner as also xerox copy of 'Aadhar' Card from the Bank premises. He lastly submits that as per the report, even some amounts have been recovered from the possession of the petitioner and as such he can not deny his implication in the said matter.

Heard learned counsel for the parties. It is a case of a retired Professor who deposited all her retiral benefits in the branch for her economic security and when one fine morning, she went to the Bank for withdrawal of money it came to her knowledge that entire amount of 1 crore 7 lakh and 75 thousands has been illegally withdrawn. The predicament of a lady retired Professor cannot be ignored. The petitioner, an employee of the Punjab National Bank against whom all the incriminating documents/money has been recovered/seized by the police in course of the investigation can not exonerate himself from the said alleged huge withdrawal from the bank account. The informant, a retired Professor who according to the FIR is 67 years old, remains always ill and had spinal surgery at RTMS hospital, Gurgaon between June, 2021 to August, 2021 has suffered huge financial loss and the connivance of other passive players within the Bank further needs to be investigated so that no innocent customer suffers the way the lady Professor has been made to suffer. The Punjab National Bank failed on its part to protect the money of the informant.

Considering the nature of the allegation that has been attributed to the petitioner who being part and parcel of the Bank was supposed to secure the amount, the informant had deposited as per the allegation, became active member for its illegal withdrawal and thus, this Court is not inclined to grant any relief to him and as such the bail application is hereby rejected.

Let a copy be sent to the Senior Superintendent of Police, Muzaffarpur for taking further appropriate steps in the matter.

(Rajiv Roy, J)

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