IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32770 of 2022

Arising Out of PS. Case No.-54 Year-2020 Thana- AAYAR District- Bhojpur

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AKHILESH KUMAR S/o Bisheshwar Singh R/o village- Dularpur, P.S.- Ayer, Distt.- Bhojpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Binod Kumar no.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 02-09-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offences punishable under Sections 420, 409, 120B and 485/34 of the Indian Penal Code.

As per FIR, the informant who is stated to be Branch Manger of South Bihar, Gramin Bank, Baligaon alleged in the FIR that after his joining on the post of Branch Manger, he came to know that his predecessor Uttam Kumar committed forgery by using user IDs and pass words of bank officials and accordingly transferred a sum of Rs 11,29,987/- in the bank accounts of his wife, Satish Kumar and the petitioner whose wife as well as other co-accused were associated with the said bank as business correspondents and also transferred some part of the alleged amount in the bank account of some other persons and the amount which was embezzled was concerned to 120 bank customers.

The main submissions advanced by Sri Rajani Ranjan Prasad Singh, the learned counsel appearing for the petitioner are that the petitioner has clean antecedent and as per FIR, alleged amount was transferred by Uttam Kumar the then Branch Manager of the concerned bank, petitioner had no role in the alleged transfer of money and FIR clearly goes to show that the wrong was done by the main accused, however, petitioner is ready to deposit a sum of Rs 28400/- which is alleged to have been transferred in the petitioner's account by the main accused Uttam Kumar.

Mr. Binod Kumar no.3, learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account petitioner's clean antecedent and the facts that as per FIR, petitioner's bank account was used by the main accused Uttam Kumar in committing the alleged forgery and embezzlement and as per above submission, petitioner has been languishing in jail since 28.03.2022 and he is ready to deposit the alleged amount which as per allegation was transfered in his account by the main accused, in the opinion of this court, a lenient approach may be taken in respect of the petitioner. Let the **petitioner be released on provisional bail for a period of two months** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate VII, Bhojpur at Ara in Ayer P.S Case No. 54 of 2020.

The petitioner shall deposit alleged amount which has been shown as having been transferred in his bank account as per FIR, in the bank concerned during provisional bail period. On submission of receipt of the said deposit, trial court will confirm petitioner's provisional bail on the same bail bond. It is clarified that the deposit of the amount by the petitioner shall be subject to the result of the petitioner's criminal case.

(Shailendra Singh, J)

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