IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43113 of 2021

Arising Out of PS. Case No.-181 Year-2019 Thana- SAHPUR District- Bhojpur

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Rakesh Kumar Raushan S/O Khobhari Ram R/O Village-Nautan Khurd, P.O-Nautan Khurd, P.S-Majhaulia, District-West Champaran At Bettiah.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. Branch Manager, Dakshin Bihar Gramin Bank, Branch Mahuar, Buxar. District-Buxar.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajnish Ranjan, Adv.
For the Bank	:	Mr. Ranjeet Kumar Pandey, Adv.
For the State	:	Mr. Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

7 27-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State and learned counsel for the Bank.

The petitioner seeks regular bail in connection with Shahpur P.S. Case No. 181 of 2019, lodged under Sections 409, 420 of the Indian Penal Code.

As per the prosecution case, the allegation against the present petitioner who was the Clerk-cum-Cashier in Dakshin Bihar Gramin Bank, Branch – Mahuar, District Buxar that he alongwith co-accused have increased the limit of 380 K.C.C. accounts without any valid document, and the said money had been withdrawn by making forge signature and thumb impression and, thereafter, accused persons including the petitioner have transferred the money of 380 K.C.C. accounts in 24 saving accounts and till present inquiry on the date of filing of F.I.R. Rs.2,45,22,942/- have been misappropriated.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is only Clerk-cum-Cashier and he has not done any illegality, whatever the Manager, who is his superior has instructed, petitioner has done only the said act.

Vide order dated 27.04.2022 notice was issued to Opposite Party No.2, the present Branch Manager, Dakshin Bihar Gramin Bank, the Bank appeared and filed his counter affidavit. In the said counter affidavit, it is the categorical stand of Bank that the then Manager and this petitioner both have their own user I.D. and from the user I.D. of petitioner the fraud/ embezzlement of Rs.1,78,15,284/- has been made and subsequently from the said account Rs.25,82,000/- has been transferred to his personal account also.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and, therefore, the bail application of petitioner is hereby **rejected**.

Learned trial Court is directed to expedite the trial within one year.

(Dr. Anshuman, J.)

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