# IN THE HIGH COURT OF JUDICATURE AT PATNA
**CRIMINAL MISCELLANEOUS No.68445 of 2021**

Arising Out of PS. Case No.-161 Year-2021 Thana- SIMRI District- Buxar

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RAVI SHANKR KUMAR Son of Umesh Singh Resident of Village - Gopalpur, P.O.- Saidabad, P.S.- Rani Talab, Distt.- Patna.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Shri Y.V. Giri, Sr. Advocate |
| | | Shri Sumit Kumar Jha, Advocate |
| For the Vigilance | : | Shri Arvind Kumar, Spl. P.P. |
| For the State | : | Shri Binod Kumar, A.P.P. |
| For the Bank | : | Shri Shivendra Kumar, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**

ORAL ORDER

4 16-05-2022 Heard learned Senior Counsel for the petitioner, learned Special P.P. for the Vigilance, learned A.P.P. for the State and learned counsel for the Bank.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the offences punishable under Sections 409, 419, 420, 467, 468/34 of the Indian Penal Code read with Section 7(A) of the Prevention of Corruption Act.

Learned Senior Counsel for the petitioner submits that the petitioner is in custody since 07.06.2021, charge-sheet has been submitted and is a person with clean antecedent.

The informant alleges that he received an information on 31.05.2021 that the Branch Manager, Asha Parari Branch, Simiri has committed defalcation of money. Further, an inquiry team was constituted and during course of inquiry it was found that the accused Branch Manager has illegally withdrawn Rs.1.09 crore from the account of customers and defalcated the same.

Learned Senior Counsel for the petitioner submits that though in the FIR, it is alleged that an inquiry was conducted but the said inquiry was conducted behind the back of the petitioner and he was never given any opportunity to explain his case nor any show cause was issued to him. Learned Senior Counsel submits that had an opportunity been given to the petitioner to explain his case perhaps the petitioner would have been in a better position to explain as to why the money from the account of the customers got transferred to other accounts and in the account of his wife, his father and his relatives. Learned Senior Counsel submits that an amount of Rs.15,00,000/- was transferred in the account of the father of the petitioner. It is, thus, submitted that if the petitioner would have been involved in the occurrence then definitely he would not have transferred the money in the account of his own father and wife and, thus, would have created an evidence against himself and thereafter got implicated easily. Learned Senior Counsel further submits that the petitioner has been sent behind bars based on an inquiry which was conducted behind his back without any opportunity given to him to defend himself. Learned Senior Counsel further submits that the petitioner is being proceeded departmentally even and charge has been framed but the same has not been issued. Learned Senior counsel further submits that in the event of acquittal in the criminal proceeding or exoneration in the departmental proceeding how his period of incarceration would be compensated in the event if the petitioner is indicted by the trial court or terminated from the service in a departmental proceeding, he will face the consequence.

Learned Special P.P. for the Vigilance, learned A.P.P. for the State and learned counsel for the Bank opposed the bail application but are not able to meet the submission of the learned Senior Counsel that the petitioner is behind bars based on inquiry which was conducted behind his back and without any opportunity given to him to defend himself and further they are not able to meet the submission of the learned Senior Counsel that if the petitioner was involved then definitely he would not have transferred the money in the account of his relative, thus, creating an evidence against him.

Considering the fact that the petitioner is in custody since 07.06.2021, charge-sheet has been submitted and is a person with clean antecedent and taking into consideration the submission made by the learned Senior Counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Simri P.S. Case No. 161 of 2021.

**(Satyavrat Verma, J)**

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