IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17724 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- C.B.I CASE District- Patna

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Rajesh Prasad S/O Bihari Prasad Resident of Village and P.O.- Manjhwari, P.S.- Simri, District- Buxar.

... ... Petitioner/s

Versus

The Central Bureau Of Investigation (CBI), SCB, Patna, Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Chandan Jha
For the CBI	:	Mr.Avanish Kumar Singh, SPP, CBI
		Mr.Ambar Narayan
		Mrs.Barkha
For the Opposite Party/s	:	Ms.Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409, 420 and other allied sections of the Indian Penal Code.

As per the prosecution case, all the FIR named accused persons including petitioner in collusion with each other, fraudulently by misusing their official position misappropriated an amount of Rs. 61,85,400/- related to non-audited complainants of Uttar Bihar Gramin Bank.

It is submitted that there is no specific allegation against this petitioner that he had misappropriated the alleged amount. So far as the allegation of using User ID and Password is concerned, it is submitted that due to shortage of staff, petitioner on the instruction of Branch Manager had to share his ID and password with him under *bonafide* belief that the same would be used for legal transaction as per banking norms. At the relevant time, petitioner was Assistant and was not in a position to question the conduct of his superiors. It is further submitted that chargesheet has already been submitted. There is no allegation of tampering with the evidence against this petitioner. Petitioner will fully cooperate in the trial.

Counsel for the CBI however vehemently opposed the prayer for bail and submitted that during course of investigation it has come that this petitioner by misusing his official position misappropriated the alleged amount. After completion of investigation regarding the non-audited complaints of Uttar Bihar Gramin Bank, the charge-sheet was submitted against this petitioner and other co-accused persons on the basis of sufficient oral and documentary evidence on 28.12.2022. The accused persons unauthorizedly withdrawn amount from the accounts of the customers in cash on the basis of forged withdrawal slips. The accused persons have unauthorizedly transferred huge amounts from the accounts of the customers by way of forged transfer slips. Huge amount have been transferred from the accounts of the customer to the OD accounts of Business Correspondents and current accounts of the relatives of Business Correspondents and then the same was withdrawn from the account of Business Correspondents. The said amounts transferred to the accounts of the relatives of the Business Correspondents, thereafter, fraudulently transferred through NEFT to the accounts of relatives of the petitioner and other bank officers. During course of investigation it has come that after receipt of such complaints, bank has taken up verification about the genuineness of these complaints and has also appointed an Audit Team comprising of five members and complaints received by the bank were audited by the team of auditors of Uttar Bihar Gramin Bank and they have suspected a total loss of Rs. 9,67,54,069/- in 866 cases. In addition to 866 complaints, there were 93 more complaints which were received in the bank at a later stage.

Considering the facts aforesaid and the fact that chargesheet has already been submitted and petitioner fully cooperated with the investigation, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Executive Magistrate/Additional Chief Judicial Magistrate, CBI, Patna in connection with RC No.-01(S) of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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