

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27244 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- CHAPRA TOWN District- Saran

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

10 10-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Chapra Town P.S. Case No.289 of 2021 instituted for the offence punishable under Sections 419, 467, 468, 120B, 420 of the Indian Penal Code.

On 24.05.2021, the informant received an SMS alert on his Mobile No.7488441717 regarding generation of an alternative Mobile No.8578942537 for his salary account maintained in the Bank. The informant complained to the Branch Manager that he had not registered for any such requests, when he was assured that his original mobile number would be activated within 48 hours. On 26.05.2021, he discovered that an amount of Rs.14,55,000/- has been withdrawn from his account and transferred to the account of one Rajesh Manna of Kolkata maintained in another Bank.

Learned counsel for the petitioner submits that the petitioner is an Assistant in the Bank and has been implicated in



this case only on confessional statement of co-accused Md. Zafar Ekbal and Manjay Kumar. Their confession was recorded before the police in connection with Muzaffarpur Town P.S. Case No.487 of 2021. It is alleged that the petitioner has shared the Bank details of the informant, facilitating the fraudulent withdrawal. Even from the material in the case diary, it is obvious that other than mobile phones, no incriminating material was recovered from the petitioner. The amount of Rs.2,79,500/-, which has been recovered from him, is actually sale proceeds of some land sold by his aunt, who has filed a petition before the court of C.J.M, Muzaffarpur, for release of the said amounts in her favour. Upon his remand in this case from Muzaffarpur Town P.S. Case No.487 of 2021, petitioner is in custody since 01.12.2021.

Learned APP has opposed the prayer. It is submitted that the petitioner was apprehended with other co-accused persons from whom there is recovery of several incriminating articles. From the petitioner there is recovery of money and the co-accused have stated in their statement recorded under Section 161 Cr.P.C. that being an Assistant in the Bank, petitioner has facilitated the Bank fraud. Petitioner is also accused in seven other cases and till date, at the trial even charges have not been framed. Petitioner, being an Assistant in the Bank, is in a position to tamper with the evidence or witness.

This Court would take into consideration the rival submissions, the pattern of organized crime likely to affect the public at large, petitioner's criminal antecedents and petitioner's arrest along with other co-accused persons, who have stated about his complicity. This Court would also take into consideration the fact that till date even charges have not been



framed at the trial as well as submission of the learned APP that being an Assistant in the Bank, the petitioner is capable of tampering with the evidence, and the fact that prayer of co-accused Md. Zafar Ekbal has been rejected in Cr.Misc. No.26302 of 2022, this Court, for the present, is not inclined to allow the prayer. The prayer for bail is rejected, for the present.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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