IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49085 of 2021

Arising Out of PS. Case No.-215 Year-2021 Thana- WARISLIGANJ District- Nawada

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YOGESH KUMAR Son of Late Ashok Prasad @ Ashok Kumar Sharma Resident of Village - Chainpura, P.S. - Warsaliganj, Distt. - Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 47666 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- WARISLIGANJ District- Nawada

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MADHULIKA RANI Daughter of Late Shrawan Kumar Resident of Dal Mil Chakdiwan, District - Sheikhpura, Pin Code- 811105.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 49085 of 2021)
For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Amresh Kumar Sinha, Adv.
Mr. Kumar Rajdeep, Adv.
Mr. Arvind Kumar, Adv.
For the Opposite Party/s : Ms. Madhuri Lata
(In CRIMINAL MISCELLANEOUS No. 47666 of 2022)
For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.
Mr. Vishesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV JUDGMENT

Date : 21-03-2023

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

I have already heard Mr. N. K. Agrawal, the learned Senior counsel as well as Mr. Raj Nandan Prasad, the learned counsel for the petitioners and the learned APP for the State.

In these cases, the petitioners are seeking anticipatory bail in connection with Warsaliganj P.S. Case No. 215 of 2021, registered for the offences punishable under Sections 420 and 406/34 of the Indian Penal Code.

The informant, Vinay Kumar is Branch Manager of South Bihar Gramin Bank, Warsaliganj Branch. He lodged the FIR alleging therein that the petitioner Yogesh Kumar, who was Assistant Branch Manager, the petitioner Madhulika Rani, the Branch Manager and co-accused Vishal Kumar, who was Assistant in the Branch, have committed financial irregularities and misappropriation and they, without the consent of the customers, transferred the amount deposited in their fixed deposit to some other accounts. The details of 21 fixed deposit accounts have been given in the FIR, wherefrom the money deposited by the customers were alleged to have been transferred without their consent by the petitioners along with co-accused Vishal Kumar.

The learned counsel for the petitioners have submitted that some of the account holders have given their applications, mentioning therein that their amounts have been deposited in the bank accounts as per their consent. They have also submitted that co-accused Vishal Kumar has been granted anticipatory bail in Cr. Misc. No. 55762 of 2021.

The learned counsel for the petitioner Madhulika Rani has submitted that she joined the service as probationer on 18.04.2017 in that Branch. The petitioner Madhulika Rani has given a written application to the bank authorities. The certified copy thereof has been annexed with the record, in which she has stated that she was posted in that Branch, which was over-burdened and the transaction of her Branch was of Scale II and III. She had no experience of the banking affairs. The petitioner Yogesh Kumar was Office Assistant and he had an experience of banking affairs of ten years. He was involved in the affairs of the Bank and he used to assist the petitioner Madhulika Rani. Later on, Petitioner Yogesh Kumar was promoted to the post of Assistant Manager. On 20.11.2019, she was over-burdened with the files and when she was searching some papers in Almirah, accused Yogesh Kumar stealthily caused some entries in her computer. Later on, it was detected that he transferred Rs. 5,00,000/- (five lacs rupees) from the account holder Shailendra Kumar and posted the said amount in the account of

Smt. Anita Devi, who is a near relative (*Mami*) of Yogesh Kumar. Similarly, he transferred money from the account of customer Sudha Laxmi into account of his mother Rita Sharma (mother of Yogesh Kumar) in her Bank Account No. 730600100088618. The petitioner Madhulika Rani has also mentioned in her application that petitioner Yogesh Kumar has also committed such type of offence in his earlier place of posting.

On the other hand, the learned Additional Public Prosecutor has opposed the prayer for bail and submitted that petitioner Yogesh Kumar, who is Assistant Manager, transferred the amount from the account of the customers of the Branch to the Bank account of his mother and maternal aunt (*Mami*).

Considering the evidence against the **petitioner Yogesh Kumar,** I am not inclined to grant him anticipatory bail. Accordingly, his prayer for bail is **rejected**.

So far as the petitioner Madhulika Rani is concerned, she was a probationer and in her written application, it has come that it was petitioner Yogesh Kumar, who transferred money to the account of his maternal aunt (*Mami*) after getting access to the computer of the petitioner Madhulika Rani.

Considering the above-mentioned facts and circumstances, **let the petitioner Madhulika Rani,** in the event of her arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Nawada in connection with Warsaliganj P.S. Case No. 215 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/

AFR/NAFR	NAFR
CAV DATE	09.02.2023
Uploading Date	22.03.2023
Transmission Date	22.03.2023