

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51393 of 2023

Arising Out of PS. Case No.-264 Year-2016 Thana- MITHANPURA District- Muzaffarpur

Amit Kumar Rao Son Of Late Bindeshwar Prasad Resident Of House No.
87a, Mohalla Parti Tola, Kalyani, P.S. - Mithanpura, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 467, 468, 471, 379 and 34 of the Indian Penal Code and Section 66 of the I.T.Act.

3. The prosecution case in short, is that, the petitioner who is the vendor of Urway Portfolio Pvt. Ltd has committed error in transferring the cheque amount in the payee account by manipulating the same and consequently transferred the cheque amount in his own account or in the account of friend, relatives and families and thereby released the manipulated amount with the aid of ATM and in the said hatched conspiracy, some other persons also seems to be implicated and on inquiry by the



informant, the accused did not reply satisfactorily and till then illegal transfer of Rs. 80,75,109/- has been proved and established and on further inquiry, there is probability in the said figure and thus the accused has used his position in the bank for committing breach of trust, fraud and embezzlement of fund.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He had the work of collecting cheques merely and to hand over the same to the cheque clearing staffs of the Bank who holds the passwords and I.D. in this regard. It is further submitted from para-90 of the case diary that no any heavy amount has been transferred either in the account of this petitioner or in the account of his family, friends and relatives. It is also submitted from para-11 of this petition that no such amount ever came in the account of the petitioner which would appear from the bank statement of the petitioner and his relatives and the same was made available to the higher Bank officials and police officials, they could not find anything suspicious when they checked the bank statement of the petitioner from January 2016 to January 2017. Moreover, none of the alleged victims came forward for claiming such amount since the same was already being paid to them by the



higher officials of the bank from 26.10.2016 - 16.01.2017 when the matter got national coverage which would appear from para-93 of the charge sheet which shows that the petitioner has been victimized in this case by the higher officials of the bank. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent and he is languishing in judicial custody since 12.04.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mithanpura P.S. Case No. 264 of 2016 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur.

(Sunil Kumar Panwar, J)

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