IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51160 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- KAMTAUL District- Darbhanga

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MD. ASFAQUE AHMAD S/O LATE ABDUL RAHMAN R/O VILLAGE- BALBHADRAPUR, P.S- UJIYARPUR, DISTT.- SAMASTIPUR.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Ms.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 09-11-2023 1. Heard learned Counsel for the petitioner and learned APP for the State.

2. This application, for grant of anticipatory bail, arises out of Kamtaul PS case no. 287 of 2022, disclosing offences punishable under Section 409 and other allied sections of the Indian Penal Code.

3. The prosecution story, as per the First Information Report, is that named accused Rahul Kumar was daily wages employee of the Branch of Union Bank of India and dishonestly accessed the Finacle I.D. of the Bank and transferred money from the customer's account of the Branch into his Savings Account and two different accounts of his acquaintances. Till

the lodging of the F.I.R., 34 transactions could be traced, in which unauthorized transactions have been made by said accused Rahul Kumar.

4. Mr. Ajay Kumar Thakur, learned Counsel appearing for the petitioner submits that petitioner was posted as a Branch Manager of the said Bank and on 20.10.2022, he received a call from B.D.O., Jale; one of the customers having account no. 510101002276177 at the Branch, who informed him that from the Savings Accounts of the Government/ Administration, Rs. 10 lacs have been deducted without the consent of the account holder. The petitioner immediately initiated investigation at Branch level in the matter and found the involvement of accused Rahul Kumar and asked him to deposit the amount in the account of B.D.O., Jale, however, subsequently, money was returned back to the account of B.D.O., Jale. He further submits that the petitioner is not named in the F.I.R. and during investigation, it appears that the petitioner, being the Branch Manager of the Union Bank of India, had a telephonic conversation with accused Rahul Kumar and money was transferred in the account B.D.O., Jale and except one telephonic conversation with Rahul Kumar, no other material has been brought on record to connect the petitioner

with the alleged crime.

5. Learned counsel for the State does not dispute the submissions advanced by the learned counsel for the petitioner and submits that during course of investigation, the only material which comes to light is that the petitioner had a telephonic conversation with accused Rahul Kumar.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that during tenure of the petitioner, accused Rahul Kumar had committed fraud but Rs. 10 lacs, withdrawn from the administrative account, was re-deposited in the account and there is no material on record to show that the money was transferred in the account of the petitioner or his relative, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Darbhanga in connection with Kamtaul PS case no. 287 of 2022, subject to

the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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