IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64053 of 2023

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

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SANTOSH KUMAR @ SANTOSH THAKUR S/O ASHOK THAKUR R/O VILLAGE- KASTURI SARAY, P.O.- CHAKSAID, PS. PATEPUR, DIST. VAISHALI

... ... Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION (CBI), SCB, BIHAR, PATNA

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Chandan Jha, Advocate
For the Opposite Party/s		
C.B.I.	:	NONE

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 18-10-2023 1. Heard Mr. Chandan Jha, learned Counsel for the petitioner, however no one appears for the Central Bureau of Investigation.

2. This application, for grant of anticipatory bail, arises out of C.B.I. PS case no. RC/1/S of 2022, disclosing offences punishable under Section 409 and other allied sections of the Indian Penal Code and Sections 13(1)(a) and 13(2) of Prevention of Corruption Act, 1988.

3. The prosecution story, as per the First Information Report, is that one Harish Kumar, the then Branch Manager and one Rajesh Prasad, Office Assistant of Uttar Bihar Gramin Bank, Kasturisarai Branch, Vaishali have misappropriated huge public money/ Government funds, amounting to a sum of

Rs. 50 lacs, by way of not depositing the amount collected from the account holders in the account of the Bank and also unauthorizedly withdrawing money from the Bank account by using their User-ID, Password etc. The F.I.R. has been lodged by Superintendent of Police/ HOB CBI, SCB, Patna but the petitioner is not named in the F.I.R. and his name transpired during course of investigation.

4. Learned Counsel for the petitioner submits that petitioner is not the Bank official and has not been made accused in the F.I.R., lodged by the local police as well as the C.B.I. It is further submitted that petitioner is a Business Correspondent (BC) of State Bank of India, Dabaich Branch (Vaishali) and has been running the Customer Service Center of State Bank of India. He is not the staff of Uttar Bihar Gramin Bank. It is next submitted that name of the petitioner has surfaced during course of investigation and charge-sheet has already been submitted against the petitioner on 28.12.2022 by the C.B.I. It is also submitted that the petitioner has cooperated during course of investigation and after submission of charge-sheet, cognizance has also been taken and there is no likelihood that the petitioner will abscond or tamper with the evidence. Referring to the charge-sheet, learned counsel

submits that the only material available against the petitioner is that an amount of Rs. 50,000/- has unauthorizedly been transferred from the account of one customer to the current account of the petitioner and further, it has been stated that the petitioner along with his brother have transferred the amount of Rs. 50,000/- to another account of Sri Rajesh Prasad, who is a Bank Assistant and a co-accused, by way of NEFT through Uttar Bihar Gramin Bank Petitioner is stated to be having clean antecedent and the said co-accused Rajesh Prasad has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.07.2023, passed in Cr. Misc. no. 17724 of 2023.

5. I have heard learned counsel for the petitioner. Upon perusal of bail order of co-accused Rajesh Prasad, a Bank official, it appears that the co-ordinate Bench has taken note of the fact that charge-sheet has already been submitted and the petitioner has fully cooperated with the investigation and accordingly, granted anticipatory bail to co-accused Rajesh Prasad.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not the official of Uttar Bihar Gramin Bank,

charge-sheet has already been submitted and there is no likelihood of either absconding or tampering with the evidence as well as the fact that petitioner has fully cooperated during course of investigation, 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 Special Judge, C.B.I.-1, Patna in connection with C.B.I. PS case no. RC/1/S 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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