IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66706 of 2022

Arising Out of PS. Case No.-5 Year-2018 Thana- ECONOMIC OFFENCES, BIHAR District- Patna

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NEHUL RAJ @ NIHUL RAJ @ NEHAUL RAJ Son of Nandeshwar Prasad Resident of village - Mathura, P.S.- Bidupur, District - Vaishali

... ... Petitioner/s

Versus

The State of Bihar through the Superintendent of Police, Economic offence Unit, Bihar, Patna. Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv
For the Opposite Party/s : Mr. Vishwanath Pd. Sinha, Sr. Adv
Mrs. Soni Shrivastava, Adv

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

4 10-04-2023 Heard learned counsel for the petitioner as well as learned senior counsel for the Economic Offence Unit.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379, 420 of the Indian Penal Code and u/s 66, 66C/66d of Information Technology Act.

The allegation against the petitioner is that he being an employee of ICICI bank alongwith other co-accused persons is involved in siphoning money of the several account holders of the said bank and thereby committed fraud of total Rs.20,28,223/-.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that it is evident that the petitioner alongwith Anil Ram shared 29 bank accounts out of which unauthorized withdrawal was made from 18 accounts total amounting to Rs.7,76,978/-. He has stated in para-7 of the reply to the counter-affidavit that the petitioner is ready to deposit half of money unauthorized withdrawn due to petitioner and co-accused Anil Ram. The petitioner would deposit Rs.2 lacs in the said bank at the time of filing bail bond and rest of the amount will be deposited by him within three months in installments. Petitioner has no criminal antecedent.

Learned senior counsel for the EOU opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since the petitioner is ready to deposit half of money unauthorizedly withdrawn, let the above named petitioner, be released on *provisional* bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Economic Offence P.S. Case No.05 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, petitioner is directed to deposit Rs.2 lacs in the said bank at the time of filing of bail bond and rest of the amount within three months in installments. The provisional bail of the petitioner shall be confirmed by the learned Court below within a period of six months, after showing the receipt of deposit of entire amount in the concerned Bank.

(Anjani Kumar Sharan, J)

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