

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68048 of 2022**

Arising Out of PS. Case No.-157 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Deepak Kumar Son Of Sri Shivram Mishra Resident Of Village- Painal, P.S.-
Bihta, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Aurangabad (Town) P.S. Case No. 157 of 2021 registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that the staff members of the Axis Bank Branch, Aurangabad under conspiracy have misappropriated an amount of 23,36,039/- from



the informant's account.

The main submissions advanced by the petitioner's counsel are that the co-accused persons namely, Shashi Shekhar, Amit Kumar, Ravikant Prasad, Sushant Saurav and Manas Satpati who are the employees of the concerned Bank and Mutual Fund Company have been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 44149 of 2021 along with Cr. Misc. Nos. 50555 of 2021 and 63125 of 2021 and as per the statement made by learned counsel appearing on behalf of *Axis Asset Management Company and Union Bank of India* in Cr. Misc. No. 44149 of 2021, the grievance of the informant stands redressed as the money which was allegedly misappropriated stands paid in the account of the informant and the present petitioner is not named in the FIR and he has been languishing in jail since 13.09.2022, having fair and clean antecedent and his role in the alleged crime was revealed in the confessional statement of co-accused namely, Baban Mishra, who allegedly opened forged bank account but at the relevant time when the alleged occurrence took place the petitioner only performed his duty as CSP (Consumer Service Point) Operator and it was the duty of the concerned bank to verify the documents concerned to opening of the bank account



and the duty of the petitioner was only to forward the concerned documents to the concerned Bank to open the account and the several above-mentioned co-accused persons have been granted bail by a co-ordinate Bench of this Court.

Learned APP appearing for the State has opposed the prayer for bail.

Considering the aforesaid facts and mainly the petitioner's fair and clean antecedent and his custody period and also the fact that as per the above submission the grievance of the informant has been redressed and petitioner's name surfaced in the statement of co-accused Baban Mishra as stated above and at the relevant time he was discharging his duty as a CSP Operator, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Aurangabad (Town) P.S. Case No. 157 of 2021.

(Shailendra Singh, J.)

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