IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31878 of 2024

Arising Out of PS. Case No.-609 Year-2019 Thana- SIWAN CITY District- Siwan

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1. Vishwajeet Pandey @ Vishwajit Pandey @ Bishwajit Pandey S/o Ajit Pandey R/o vill - Jaitiya Pandey Tola, P.S. - Manjhi, Distt. - Chhapra, Bihar
2. Rani Pandey W/o Vishwajeet Pandey R/o vill - Jaitiya Pandey Tola, P.S. - manjhi, Distt. - Chhapra, Bihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. Canara Bank through its General Manager Branch Siwan, at Rajendra Path near Babunia More, P.S. - Siwan Town, Distt. - Siwan

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Chandra Kant
For the Opposite Party/s : Mr. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 21-09-2024

1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Siwan Town Police Station Case No. 609 of 2019, dated 25.10.2019, disclosing offences under Sections 420/406/409/34/120-B of the Indian Penal Code.

3. The prosecution case, as per the First Information Report lodged by the Senior Manager of Canara Bank, is that co-accused Ratnesh Kumar intentionally routed the unreconciled entries in the general ledger no. 209272430, 209271030, 240004160 and 1160296000002 in the account of his close relatives, including the petitioner, and some other customers and the amount so transferred in those accounts were withdrawn by those persons, in whose accounts, amount has been transferred.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case due ulterior motive by the informant. He further submits that the main accused Ratnesh Kumar, is a relative of the petitioner and on that score he opened the account in his bank without their concent. He further submits that the amount transferred by co-accused Ratnesh Kumar in the account of the petitioners was withdrawn and not a single penny considering the fraudulent transactions were left in the account of the petitioners. He further submits that net-banking, in his account was created without his concent and permission, by the main co-accused Ratnesh Kumar and the fraudulent transactions were also being done by him. He further submits that the petitioners are not involved in withdrawal of the amount fraudulently transferred in their account by the main co-accused Ratnesh Kumar.

5. I have heard learned counsel for the parties concerned.

6. From perusal of the statement of account of the petitioners it is evident that on different dates amount was credited in their account through NEFT which was withdrawn thereafter through cash withdrawal by the petitioners on different dates soon after the deposit through NEFT. The investigation is still going on, for which, the custodial interrogation of the petitioners may be required, accordingly, I not am inclined to grant the petitioners privilege of anticipatory bail.

7. This application stands dismissed.

(Anil Kumar Sinha, J)

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