

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39307 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- GANDHIMAIDAN District- Patna

Uttam Kumar son of Ashok Prasad Village-Nepura, P.S-Silao, District-
Nalanda at present Shanti Market Road No.3, P.S-Agamkuan, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Patliputra Central Cooperative Bank Ltd. through Accounts Officer cum Est.
Officer S.P Verma Road Madan Dhari Bhawan Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rohit Kumar Tripathi
For the Informant	:	Mr. Shashi Shekhar Singh
		Mr. Sanjay Kumar
For the State	:	Mr.Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

5 08-10-2024 I have already heard the learned counsel for

the petitioner and learned APP for the State, assisted by the

learned counsel for the informant.

2. This is an application for regular bail on
behalf of the petitioner for the offences alleged under
Sections 409 and 420 of the Indian Penal Code in
connection with Gandhi Maidan P.S.Case No. 52 of 2024.

3. The Accounts Officer-cum-Establishment
Officer of the Patliputra Central Co-operative Bank Ltd.
lodged the FIR with the allegation that he received a letter
from the Bihar Fire Service Staff Credit Co-operative
Society Ltd. through letter no. 078 dated 17.01.2024. It has



been mentioned in that letter that Rs.2,15,247/-was withdrawn through the ATM by 22 transactions during the period from 31.12.2023 to 06.01.2024. A Committee was constituted to inquire into the matter and the Committee submitted its report on 17.01.2024, in which it has been mentioned that inoperative ATM cards were activated and after activating those ATM cards, cash were withdrawn unauthorizedly. It was mentioned in the report that the petitioner, who was Junior Manager, had committed the offence and during preliminary inquiry, it was found that total Rs. 65,25,126/- were withdrawn by the petitioner. The petitioner confessed his guilt and he deposited Rs. 11 lacs.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He worked in different Branches of the Co-operative Bank till 18.01.2022 and then he was transferred in Head Office on 19.01.2022 and joined as I.T.Assistant in the Head Office. Avinash Kumar and Soma Kumari were working in the said office before the petitioner worked as I.T. Assistant till 15.01.2023 and ATM cards used to be sent from different Branches and after signature of the Manager, a number of ATM cards and PIN numbers used to



be given to the customers.

5. By relying upon the decisions in the case of *Brijpal Singh Vs. State of U.P. and Another (Application No. 45468 of 2023) and Malda District Central Cooperative Bank Employees Association and others Vs. The Election Commission of India and others (WPA No. 10325 of 2024 and its another analogous case)*, the learned counsel for the petitioner has submitted that the offence under Section 409 of the IPC is not made out in the present case because the Cooperative Bank is not an Institution controlled by the Central or the State Government.

6. On the other hand, the learned APP for the State, assisted by the learned counsel for the informant, has opposed the prayer for bail by submitting that two ATM cards were recovered from the possession of the petitioner when his house was raided and the petitioner himself confessed his guilt and has deposited Rs. 11,50,000/- and also promised to return back all the money within 15 days.

7. In the preliminary inquiry, the complicity of the petitioner was detected. Being the bank employee, he had withdrawn money from the accounts of the customers



after creating forged ATM cards.

8. Considering the facts and circumstances of the case and also keeping in view the graveness of the allegation, the petitioner does not deserve the privilege of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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