IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57737 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- KATORIYA District- Banka

==

Arbind Yadav Son Of Malohari Yadav Resient Of Village-Sathiyari, P.S -katoriya District -Banka

... ... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Choudhary Son Of Shri Rambriksh Choudhary Resident Of Village- Panditpur, Po And Ps- Rajgir, Distt- Nalanda At Present Posted As Branch Manager, Dakshin Bihar Gramin Bank, Branch Katoriya, Ps- Katoriya, Distt- Banka

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha
For the Bank	:	Mr. Ranjeet Kumar Pandey
For the State	:	Mr. Zainul Abedin

==

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

5 07-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 380, 420, 467, 468, 471, 408, 406 of the Indian Penal Code.

Informant, being the Branch Manager of South Bihar Gramin Bank, Katoriya, alleged that co-accused Dinesh yadav was earlier working in the same bank, as daily wage employee and during his service he has stolen some important papers and deposit receipts. It is further alleged that he forged the signature of the branch official and with connivance of the petitioner, he used the stolen receipt for premature closure of deposit account of an account holder, namely, Komal Kumari. It is further alleged that after closure, Rs. 1,32,618/- was deposited in the savings account and thereafter Rs. 1,00,000/- was withdrawn by co-accused Dinesh Yadav with the help of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is further submitted that neither the petitioner has any account in the said bank nor he has any concern with the co-accused person. It is also surprising that in place of a lady ie. Komal Kumari, the concerned staff of the Bank allowed a male Person ie. petitioner to withdraw One lakh rupees without proper verification and identification. Petitioner has not withdrawn single penny from the aforementioned account. It is submitted by counter affidavit that during investigation, it has come to light that at the time of opening the savings account in question, the Bank Manager has not followed the KYC norms as per the Bank's rule and he has not verified the documents submitted by the person opening the account nor he has raised any objection which clearly shows that Account Opening Form has changed, in which the involvement of Bank employee is clearly visible. Moreover, the petitioner is languishing in judicial custody since 02.04.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State and learned counsel on behalf of the Bank have vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail.

The above named petitioner is directed to be enlarged on bail in connection with Katoriya P.S. Case No. 439 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Banka.

(Sunil Kumar Panwar, J)

Nirajkrs/-

U		T	