IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68514 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- C.B.I CASE District- Patna

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Satish Kumar S/O Ashok Thakur R/O Village- Kasturi Saray, P.O- Chaksaid, P.S- Patepur, Distt.- Vaishali.

... ... Petitioner/s

Versus

The Central Bureau Of Investigation(CBI), SCB, Patna (Bihar). Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chandan Jha, Advocate
For the SBI	:	Mr. Sourendra Pandey, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

6 28-06-2024 Heard Mr. Chandan Jha, learned counsel for the petitioner and Mr. Sourendra Pandey, learned Special Public Prosecution for the Central Bureau of Investigation.

2. The petitioner is apprehending his arrest connection with Special Case No. 01 of 2023 arising out of C.B.I. P.S. Case No. RC/1/S/22 and consequential Charge-sheet No. 05 of 2022, dated 08.06.2022 registered for the offences punishable under Sections 120(B), 420, 409, 467, 468, 470, 477A of the Indian Penal Code and Sections 13(1)(a) & 13(2) of the Prevention of Corruption Act, 1988.

3. As per the prosecution case, all the FIR named accused persons including the petitioner in collusion with each other, fraudulently by misusing their official position misappropriated huge public money/Government funds,

amounting to a sum of Rs. 50 lacs, by way of not depositing the amount collected from the account holders in the account of the Bank and also unauthorizedly withdrawing money from the Bank account by using their User-ID, Password etc.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Petitioner is not the bank official and has not been made accused in the F.I.R. The Central Bureau of Investigation after investigation submitted chargesheet apart from named the bank officials accused, it had named three other persons also as accused of having involved in the present occurrence including the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is a Business Correspondent (hereinafter referred to as "BC") of the Uttar Bihar Gramin Bank (UBGB) of the same Kasturisarai Branch, where alleged financial fraud has surfaced. The petitioner's Customer Care Centre is nearby its base Branch, i.e. UBGB Kasturisarai Branch. Petitioner's elder brother Santosh Kumar (A-5) is a BC of SBI, Dabaich Branch and also located in the same area where the petitioner's BC Centre is located. He further submits that from perusal of the charge-sheet, there is

specific allegation against the petitioner is that the petitioner on five (5) occasion, in his over-draft account, amounting to Rs. 2,14,000/- had been unauthorisedly transferred from five different customer accounts and he had withdrew the said amount. The BC is required to have an overdraft account. All the transactions of individual account-holders attached to a CSP Centre, either credit or debit in their respective accounts are done through his overdraft account itself, by using individual account holder's UIDAI and thumb impression on bio-metric. It is further submits that the CBI after investigation submitted chargesheet and cognizance has also been taken and there is no likelihood that the petitioner will abscond or tamper with the evidence and from perusal of the chargesheet the only material available against the petitioner is that an amount of Rs. 2,14,000/- has unauthorizedly been transferred from the account of the petitioner. Learned counsel for the petitioner further submits that the petitioner had already informed the investigating agency that he had only professional relationship with the two bank officials but he was not aware of any financial embezzlement or irregularities in the Bank committed by them. Learned counsel for the petitioner further submits that Rajesh Prasad, Bank Official has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 04.07.2023 in Cr. Misc. No. 17724 of 2023, another co-accused person namely Santosh Kumar @ Santosh Thakur who is also brother of the petitioner and also BC of SBI, Dabaich Branch has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 18.10.2023 passed in Cr. Misc. No. 64053 of 2023.

6. Mr. Sourendra Pandey, learned Special P.P. for the Central Bureau of Investigation has opposed the prayer for anticipatory bail of the petitioner and submits that as per direction of the RBI under financial inclusion scheme, BCs are to be appointed for particular so that banking reaches/approaches to each and every villager. In order to appoint these BCs one Synapse Solutions Private Limited, New Delhi has been appointed by UBGB since May 2017 to appoint BCs for all its Branches in 14 Districts and these BCs are paid on commission basis by M/s SSPL. Learned counsel for the Central Bureau of Investigation further submits that during investigation it has been revealed that the other accused persons have been made unauthorized transfer of money from the accounts of the customer to the OD Account No. 1001391430000278 of the petitioner in eight (08) instances from eight (08) accounts. Total amount of Rs. 2,14,000/- has been transferred from five (05) accounts on five occasions to the OD amount of the petitioner and he withdrew the amount. It appears from the aforesaid that the petitioner and other co-accused persons have made unauthorized withdrawal

totalling Rs. 4,76,000/- from the accounts of the customers on the basis of forged and fabricated transfer slips and the role of the petitioner is also established with other accused persons.

7. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner is not named in the F.I.R. and he is not the official of Uttar Bihar Gramin Bank, chargesheet has already been submitted and there is no likelihood of either absconding or tampering with the evidence as well as the fact that petitioner has fully cooperated during course of investigation, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-I, Patna in connection with R.C. No. 01(S)/22 (Special Case No. 01 of 2023), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the

witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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