IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69146 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- JAKKANPUR District- Patna

Anil Kumar Son of Shri Kapildeo Paswan Resident of Village - Chandpur Bela, P.S. - Jakkanpur Dist- Patna

... ... Petitioner/s

Versus

1. The State of Bihar
2. Shailesh Kumar Son of Late Arjun Prasad Regional Manager, R.B.O. (Patna) Central, Resident of Brahmsthan Lane No.02, Sheikhpura Raja Bazar, P.S. - Shastri Nagar, District - Patna

... ... Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Manoranjan Kumar
For the State	:	Mr. Bharat Bhushan
For SBI	:	Adv. Apurv Harsh
		Adv. Raghu Raj Pratap

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

10 22-08-2024 Heard learned counsel for the petitioner, learned A.P.P for the State and learned counsel appearing on behalf of O.P. No. 2/State Bank of India (For short "Bank").

2. The petitioner apprehends his arrest in a case registered for offence under Sections 409, 420 and 34 of the Indian Penal Code.

3. It is alleged that this petitioner, being employee of the Bank, by committing fraud, cheated the bank and siphoned off cash / public money to the tune of Rs. 1,58,37,700/-.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated by the officials of the

Bank. As a matter of fact, the shortage of cash was detected during the period when petitioner was on mandatory leave i.e. from 06.01.2023 to 17.01.2023 and during the said period, he handed over charge to Mr. Aslam Ansari and hence, whatever cash shortage was detected, petitioner cannot be made responsible for the same. Moreover, during pendency of this case, the petitioner has already been terminated from the service. Petitioner claims clean antecedent.

5. On the other hand, learned counsel appearing on behalf of Bank vehemently opposes the prayer for anticipatory bail and submits that petitioner was posted at S.B.I. Mithapur Branch, Patna as Special Associate (Cash incharge). The role of the petitioner was of opening the cash deposit machine with his individual ID / password and to count the cash deposited during course of the day and to keep the counted cash in the bank locker and thereafter, was required to record the same in the ledger book. Here, it is pertinent to mention that on 30.06.2022, 30.12.2022 & 31.12.2022, he evacuated cash, but did not deposit the full amounts on the same day. It has also come that during the mandatory leave, this petitioner operated ADWMs with his ID/password. Learned counsel for the Bank further submits that during inquiry, the presenting officer in his report

has referred to CCTV footage, in which, petitioner was found present at the ADMW kiosk on the mentioned dates and after thorough inquiry, it was found that petitioner was operating the ADWMs on the dates in question, despite being on mandatory leave.

6. Considering the fact that petitioner, being an employee of the Bank, committed fraud with the Bank and caused huge loss to the Bank to the tune of Rs. 1,58,37,700/-, this petitioner does not deserve privilege of anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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