

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77110 of 2024

Arising Out of PS. Case No.-287 Year-2022 Thana- KAMTAUL District- Darbhanga

Rahul Kumar S/O Harindra Thakur @ Harendra Thakur @ Harindar Thakur
R/O Village- Kamtaul Hazma Tola, P. S. - Kamtaul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 29-11-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.
2. The petitioner seeks regular bail in connection with Kamtaul Police Station Case No. 287 of 2022, dated 22.11.2022, disclosing offences punishable under Sections 406/408/409/420/ 379 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report lodged by the Branch Manager of Union Bank of India, Kamtaul Branch, is that the petitioner, who was working as a daily wage employee in the Kamtaul Branch of Union Bank of India, dishonestly accessed the Finacle I.D. of the Bank and transferred money from the customers' accounts of the Branch into his savings account and two other accounts of his relatives. Till



lodging of the First Information Report, 34 transactions could be traced, in which unauthorized transactions have been made by the petitioner. Altogether a sum of Rs. 41.15 lakhs has been transferred by the petitioner in his own account and in the accounts of his relatives.

4. Learned Counsel for the petitioner submits that the petitioner was working as a daily wage employee in the Bank for the last eight years. The job of the petitioner is cleaning the branch, providing drinking water and up-keeping of the branch. He has been made scapegoat by the officials of the bank and it is not possible for the petitioner, who is a fourth grade employee and is illiterate, to have a Finacle I.D. of the officials of the bank posted in the branch in question. Finacle is a banking software and was created in 1999 as a core banking software suite and has been a part of Infosys subsidiary Edge Verve Systems since 2015. Banks enhance the security with Biometric Authentication which preserves the confidentiality of sensitive data and also capture User Access Logs for Audit and Compliance. The Id's and passwords of two employees are required and it is highly improbable for a casual worker, who is non-proficient in



computer knowledge to transfer huge amount of money from one account to another using two Ids and two passwords of two bank employees, as well as biometrics. During investigation, the help of cyber team has not been taken, who can decode the modus operandi of the alleged offence. He further submits that the petitioner is in custody since 16.04.2024.

5. On the other hand, learned Additional Public Prosecutor submits that the petitioner was the part of the entire conspiracy along with the officials of the bank in question for siphoning of the money from the accounts of bona fide customers of the bank. Though, a sum of Rs. 10 lakhs has been returned by the petitioner to the B.D.O., Jale, as is evident from the First Information Report itself, but still a major chunk of the illegally siphoned amount has not been returned as yet.
6. Having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 16.04.2024 and charge sheet has been submitted against the petitioner, as such, there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.



- 7. This application is allowed.
- 8. Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga, in connection with Kamtaul Police Station Case No. 287 of 2022.
- 9. This is subject to the condition that the petitioner shall present himself before the Court, as and when required, and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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