

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77641 of 2024

Arising Out of PS. Case No.-201 Year-2024 Thana- KHAIRA District- Saran

Rakesh Kumar Ray @ Rakesh Kumar Yadav Son of Late Krishna Ray
Resident of Village- Chhota Telpa, P.S.- Chapra Town, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.
For the Opposite Party/s : Mr. Rita Verma, APP
For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Khaira P.S. Case No. 201 of 2024 for the offence punishable under sections 319(2), 318(4), 303(2), 336(3), 340(2) of BNS lodged on 05.08.2024.

3. As per the prosecution story, the Branch Manager of Union Bank of India lodged the FIR alleging that a complaint was lodged by one Md. Samshad, a customer of the Bank, regarding illegal withdrawal from the ATM. A vigil was kept on the said ATM center and suspicious activities were found in the CCTV. It was found that fibre blade is/was pasted on the ATM which led to recovery of eight notes of Rs. 500. The person present , the petitioner herein was apprehended who



confessed that six persons had come but they escaped while he was apprehended. Two motorcycles were also seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only on the basis of suspicion, he has been implicated. The police considering the criminal antecedent made him to confess the crime. Further, it is the own case of the Branch Manager that the customer had made a complaint earlier but the Branch Manager chose to look the other way and delayed lodging of the FIR which makes his role also suspicious.

5. Learned APP, Mr. Jitendra Kumar Singh, on the other hand opposes the prayer submitting that the well drafted learned Sessions Judge order clearly shows the role of the petitioner in the alleged withdrawal of the amount from the account of the one of the customer of Union Bank of India.

6. It is unfortunate that the hard-earned money of a customer is being withdrawn illegally by the accused persons causing great hardship to them. The role of the Branch Manager cannot be ignored inasmuch as, despite he having the knowledge of the complaint lodged by one of the customer, he delayed in lodging the FIR.

7. In this case, the allegation is that the petitioner was



caught along with a fiber blade having eight notes of Rs. 500/-, two motorcycles were also seized, his picture has come in the CCTV footage, in that background, this Court for the present is not inclined to grant him the privilege of bail, which is accordingly, rejected.

(Rajiv Roy, J)

Vijay Singh/-

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