IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3643 of 2025

Arising Out of PS. Case No.-27 Year-2024 Thana- Cyber P.S. District- Lakhisarai

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Sadhu Yadav @ Rakesh kumar S/O Jvala Yadav Resident of village- Faridpur, P.S- Mehus, District- Sheikhpura

... ... Petitioner/s

Versus

1. The State of Bihar
2. Krishna Manjhi S/O Late Muneshwar Manjhi Resident of village- Bahcha, P.S- Halsi, District- Lakhisarai
3. The manager, State Bank of India, Branch Ramgarh Chowk P.S. and district - Lakhisarai

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rizwanul Haque, Advocate.
For the State	:	Mr. Ajit Kumar, APP.
For the SBI	:	Mr. Binod Bihari Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 02-07-2025 Heard Mr. Rizwanul Haque, learned counsel appearing on behalf of the petitioner; Mr. Ajit Kumar, learned APP for the State and Mr. Binod Bihari Sinha, learned counsel for the State Bank of India.

2. The petitioner seeks pre-arrest bail in connection with Cyber (Lakhisarai) P.S. Case No. 27 of 2024 registered for the offence punishable under Sections 303(2) and 317(2) of the BNS, 2023 and Sections 66(C) and 66(D) of the I.T. Act.

3. As per the allegation made in the F.I.R., a sum of

Rs. 31,400/- was fraudulently withdrawn on 21.02.2024, 23.02.2024, 27.02.2024 and 29.02.2024 from the Account No. 42133052058, Branch Ramgarh Chowk, State Bank of India of the informant. The informant could know about the said forgery when he had updated his account in which total amount was Rs. 34,411/-

4. Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. is against unknown. In course of investigation, one Anand Yadaw @ Nitish Kumar was taken into custody who in his confessional statement has disclosed the name of the petitioner and other accused namely Rajesh Kumar @ Sadhu, Rajeev Kumar and Sanjit Kumar @ Bappi Lahri, which has been recorded in Para-25 of the case diary. Learned counsel submitted that the petitioner has no relation with the co-accused Anand Yadaw @ Nitish Kumar and the other accused persons whose name has been disclosed by said Anand Yadaw in his confessional statement recorded in Para-25 of the case diary. Learned counsel further submitted that entire amount of Rs. 31,400/- was returned back to the informant. Learned counsel informs that petitioner has no criminal antecedent.

5. A counter affidavit has been filed on behalf of the Bank. The Bank in no manner has made any allegation that any

forgery has been committed by reiterating the allegations made in the F.I.R. The fact that the amount as alleged in the F.I.R. was withdrawn from the account of the informant through CSP and FIR was lodged after having knowledge of the alleged fraud.

6. Mr. Binod Bihari Sinha, learned counsel has tendered his appearance on behalf of the State Bank of India and submitted that the money was withdrawn on different dates through CSP outlet and the Bank is not responsible for the withdrawal.

7. Mr. Ajit Kumar, learned APP for the State referring to Para-25 of the case diary informs that the name of the petitioner was disclosed by co-accused Anand Yadaw @ Nitish Kumar that the petitioner was committing crime in an organised manner as alleged in the F.I.R and the involvement of the petitioner cannot be denied.

8. I have perused the allegation made in the F.I.R. as well as the case diary. The fraud as has been committed has been explained in Para-6 of the case diary. The Investigating Officer has given detail as to in what manner Aadhar enabled payment system works. In course of hearing, this Court has made a query from Mr. Sinha, learned counsel appearing on

behalf of the State Bank of India, as to in what manner, the complaints are being lodged and what is the role of the Bank. He submitted that the Bank has no role in such operation nor there is any guidelines of the Reserve Bank of India to check hold of such alleged fraudulent withdrawal of money from the account of innocent customers. A web search was made by him and he explained that the agency namely Spice Money Limited was established in the year 2014 which is the subsidiary company of **DiGiSPICE Technologies Ltd.** (Formerly Spice Mobility Ltd.) to act upon such fraud reported. The Reserve Bank of India has granted license to Spice Money Limited in the year 2018, situated at Global Knowledge Park, 19A & 19B, Sector 125, Noida – 201301, U.P., India, which operates as Bharat bill payment unit. He has furnished a web copy of the information to this Court in course of hearing.

9. In the present case, it appears that the Branch Manager of the State Bank of India has remained negligent about the fraudulent withdrawal which is taking on and off and in this particular case on four occasions the money was fraudulently withdraw. He further informs that the record reveals that the Reserve Bank of India has imposed fine of Rs. 1 Crore on Spice Money Limited for non-compliance of the

norms of the Reserve Bank of India in the year 2021. The fine has been imposed on Spice Money Limited for committing offences of the nature referred to in Section 26(6) of the Payment And Settlement Systems Act 2007(PSS, ACT), which is reproduced hereinafter:

> *"If any provision of this Act is contravened, or if any default is made in complying with any other requirement of this Act, or of any regulation, order or direction made or given or condition imposed thereunder and in respect of which no penalty has been specified, then, the person guilty of such contravention or default, as the case may be, shall be punishable with fine which may extend to ten lakh rupees and where a contravention or default is a continuing one, with a further fine which may extend to twenty-five thousand rupees for every day, after the first during which the contravention or default continues."*

10. He further submitted that the Bank engages agency like Spice Money Limited for granting CSP license through agreement in terms of the guidelines prescribed by the Reserve Bank of India. The role of the agencies authorized by Banks for Granting CSP Licenses are as under:

1. **Intermediary Between Bank and CSP**
   Authorized agencies act as Business Correspondents (BCs) or Corporate BCs for banks.
   They partner with the bank through a formal MoU or agreement to set up CSPs.
   These agencies recruit, train, monitor, and manage CSPs on behalf of the bank.
2. **Selection and Onboarding of CSPs**
   Agencies select eligible individuals (often local shopkeepers or educated youth) to become CSPs.
   They verify documents, conduct background checks, and ensure basic infrastructure (laptop, printer, biometric device, etc.).
   They submit the details to the bank for final approval and activation.
3. **Training and Technical Support**

Agencies provide training to CSPs on banking operations, customer handling, and digital tools.
They offer technical support, maintenance of devices, and guidance on grievance redressal.

4. Infrastructure Provision
In many cases, agencies provide or help in installing:
Micro-ATMs
Fingerprint scanners
POS machines
Banking software

5. Compliance and Monitoring
Agencies ensure CSPs follow KYC norms, transaction limits, and RBI/bank regulations.
They monitor transactions for fraud, ensure data privacy, and handle audits.
Reports and feedback are regularly sent to the bank's nodal officer.

6. Financial Settlement and Commission
Agencies manage commission structures for CSPs:
CSPs earn per transaction (deposit/withdrawal/AEPS/PMJDY etc.).
The agency deducts its cut before paying the CSP.
Agencies also ensure timely fund settlement and float management for the CSPs.

7. Grievance Redressal
CSPs first contact the agency for any issues, like payment delays, technical glitches, or customer complaints.
Agencies are required to resolve or escalate the issues to the concerned bank's BC coordinator.

Key Guidelines They Must Follow:
i. RBI Guidelines on BC Model (2006, revised regularly)
ii. Bank-specific CSP policy
iii. Adherence to KYC/AML norms
iv. UIDAI/Aadhaar-based AEPS rules if involved

Examples of CSP Partner Agencies:
i. Fino Payments Bank
ii. PayNearby
iii. Spice Money
iv. Suryoday Small Finance Bank's partner agencies
Vakrangee, etc.

11. I find that in any defalcation or embezzlement of customer's amount, without the involvement of the C.S.P. operator in connivance with the petitioner and Bank officials, the amount cannot be debited out of the account of the victim

and credited into the account of the petitioner. The complicity of the CSP operator, concerned licence holder and the Bank officer cannot be ruled out.

12. So far as the petitioner is concerned, his name has been disclosed by the co-accused Anand Yadaw @ Nitish Kumar and his complicity cannot be ruled out in alleged fraudulent withdrawal of money of the informant. Hence, I am not inclined to enlarge the petitioner on pre-arrest bail.

13. Before I part with the order, I find that a Customer Service Point is opened by a private person after approval of the concerned Bank. The report with regard to the individual is sought by the concerned Bank from a private company who has been appointed by the Bank for verification and on the report given by the Company, licence for C.S.P. is issued by the State Bank of India, is required to follow the guidelines of the Reserve Bank of India.

14. The Reserve Bank of India is also required to be more conscious and vigilant and to hold control over the Customer Service Point (CSP outlets), which are linked with nationalized Bank of India and see that why the Bank and its officers and the Agency engaged by it has failed to protect the customers of different Bank, particularly the rural people who

instead of getting benefit out of services provided by the CSP outlet are being prey and no action is being taken to check any illegal action against such fraudulent withdrawal of money either by the Bank which is linked with such CSP outlet.

15. Let a copy of this order be communicated to the General Manger, State Bank of India and the Executive Director, Reserve Bank of India.

16. The bail application stands disposed of.

(Purnendu Singh, J)

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