IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64406 of 2024

Arising Out of PS. Case No.-1 Year-2021 Thana- ECONOMIC OFFENCES, BIHAR District- Patna

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Nand Kishore Das, aged about 58 years, Gender-Male, S/o Lalchand Das, R/o Village- Husena Chakphatulah, PS- Goraul, District- Vaishali

... ... Petitioner

Versus

1. The State of Bihar
2. Regional Manager, Central Bank of India, Regional Officer, Motihari Bihar
3. Economic Offence Unit (EOU), Patna

... ... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate and Mr. Rakesh Kumar Sharma, Advocate
For EOU	:	Mr. V.N.P. Sinha, Sr. Advocate and Mr. Vijay Anand, Advocate
For the State	:	Mr. Abhay Kumar Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 16-04-2025 Heard learned senior counsel for the petitioner, learned counsel for the Central Bank of India, learned counsel for the EOU and learned APP for the State.

2. The petitioner seeks bail in connection with Economic Offence (E.O.), Patna P.S. Case No. 001/2021 dated 04.02.2021 instituted for the offences punishable under Sections 409, 420, 467, 468, 471 and 120B of the I.P.C.

3. The prosecution story, in brief, is that the petitioner

was posted as Branch Manager at Branch Office, Dalpat, Bishunpur, under P.S.- Pachpakri, District- East Champaran from 29.07.2019 to 16.11.2020 and the co-accused, namely, Utpal Anand, was posted as Assistant Manager in the same branch from 01.08.2019 to 22.11.2020. Both the staff members were transferred from this branch in the month of November, 2020 and the petitioner is presently posted at the Mehsaul Branch since 17.11.2020 and the co-accused had to report to the Regional Office, Muzaffarpur but he did not report there. It is further alleged that one 'Jagruti Jeevika Group' made a complaint to 'Dalpat Bishunpur Branch' regarding the unauthorized debit of Rs. 27,00,000/- from their accounts maintained with this Branch. On receipt of their complaint, an internal investigation was carried out by the bank which revealed that a total of 54 unauthorized transactions were performed by both staff members, involving an amount of Rs. 182.25 lakhs as the user codes that were used to authorize these debit transactions pertain to the above named two staff only. Out of these 54 transactions, two transactions amounting of Rs. 18,00,000/- could not be completed, as such, the total amount involved in the fraudulent transactions stood at Rs. 164.25 lakhs. It is further alleged that the amounts that were debited from various accounts by these two staff members were transferred and credited to Account No. 32832875829 in the name of co-accused, Utpal Anand, maintained with the State Bank of India, Mithanpura Branch, Muzaffarpur through NEFT but no debit/credit vouchers or NEFT instructions from the account holders were found on record in the branch to this effect. It is further alleged that these staff members have embezzled public money for their wrongful gains and after committing the offence of cheating, fraud, forgery and criminal breach of trust, this case has been registered against the accused persons.

4. Earlier the regular bail applications of the petitioner were rejected by the another Co-ordinate Bench of this Court vide Cr. Misc. No. 44202 of 2022 under order dated 31.01.2023 and vide Cr. Misc. No. 23059 of 2023 under order dated 19.04.2023, annexed as Annexure-1 series to the present bail petition with a direction to the learned trial court to expedite the trial and conclude the same at the earliest.

5. Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is further submitted that the petitioner is not involved in the present case and has become a victim of circumstances

created by the then Assistant Manager, Utpal Anand. The said Utpal Anand by taking advantage of the petitioner's little knowledge of computer, applied his shrewd mind in grabbing the huge amount of bank money by fraudulent transactions even in the short absence of the petitioner from the Bank Cabin. The petitioner had started his career as a casual employee for cleaning work (sweeper) in the bank but later on his service was regularized in Grade-IV considering his clean image and honest and dedicated service rendered to the bank, the petitioner was promoted in Scale-II, Manager at Dalpat Bishunpur Branch of CBI in East Champaran. He has little knowledge of computer and he was not properly given finagle training even though the manual banking system started shifting to the Care Banking Solution (CBS) System. He was asked to run the Branch with only three staff including the co-accused Utpal Anand who has B. Tech and master of computer science and in such a juncture, interchanging of computer for work was quite common in the public interest and in the interest of the bank customers, the co-accused Utpal Anand, the mastermind of the fraud, was allowed to interchange his position for work but he reaped the harvest of the petitioner's little knowledge of computer and committed such fraudulent transactions using the petitioner's ID and

Password without his knowledge. It is further submitted that from perusal of the F.I.R., it appears that the petitioner is not the beneficiary of embezzled bank money in any way as the entire sum of the money of Rs. 164.25 Lacs was transferred to the co-accused Utpal Anand's Bank Account No. 32832375829 of Mithanpura Branch of S.B.I. Muzaffarpur. It is further submitted that the practice and procedure adopted in a bank for work is that for withdrawal of money, one Maker who initiates transaction process is followed by Checker who approves the transaction but the co-accused Utpal Anand has played his role of Maker as well as Checker and vice-versa by using the petitioner's ID and Password without his knowledge. The petitioner has fully co-operated in the departmental inquiry so far initiated against him while the co-accused is still absconding. The petitioner also demanded some relevant documents from the Bank Management of the co-accused Utpal Anand but the same was not provided to him and it was informed by the office that all the records pertaining to the co-accused Utpal Anand was burnt and lost. It is further submitted that the co-accused Utpal Anand in connivance with the bank officials got the documents destroyed and, on this count, alone, it is suffice to prove the guilt of the co-accused and his subsequent fraudulent transactions. The petitioner is in custody since 12.04.2022 and there is no chance of the trial being concluded in near future. The case is pending for prosecution witness from 06.02.2023 and till date only three prosecution witnesses have been examined out of 10 charge sheeted prosecution witnesses in the present case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition.

6. Learned APP appearing for the state, learned counsel for the Central Bank of India & learned counsel for the EOU have vehemently opposed the prayer of regular bail and submitted that a huge public money of Rs. 164.25 lakhs was been embezzled and transferred to the account of co-accused Utpal Anand and the said fraudulent transactions were made by using the user code of the petitioner, who was Branch Manager of the said bank at the relevant time. The bank officer is duty bound to keep/see the report of the transactions entered and authorized by him, as such, the petitioner is wholly responsible for providing the Biometric Password to his Assistant Manager i.e., co-accused, Utpal Anand, thereafter, the said huge amount has been embezzled in convenient manner. Moreover, it is stated that Biometric Code of the petitioner has been used for fraudulent transactions, hence, he cannot deny his direct

involvement in this illegal activity.

7. Considering the aforesaid facts and circumstances of the case and finding substance in the contentions of the learned counsel for the Central Bank of India, learned counsel for the E.O.U. and learned A.P.P. for the state as well as nature of the allegation, this Court is not inclined to enlarge the petitioner on bail and the same is again rejected in connection with Economic Offence (E.O.) Patna P.S. Case No. 001 of 2021, pending in the court of learned Sub-Divisional Judicial Magistrate, Sikarahna at Dhaka, East Champaran.

8. The application stands rejected.

9. The learned trial court is directed to expedite the trial of the petitioner and conclude the same within a period of nine months.

10. The District Magistrate, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari, are also directed to ensure that the remaining prosecution witnesses must be produced on the fixed date in the court below so that the trial must be concluded within the stipulated period.

11. Let a copy of this order be communicated to the District Magistrate, East Champaran at Motihari and the

Superintendent of Police, East Champaran at Motihari for doing the needful.

(Chandra Prakash Singh, J)

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