

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67908 of 2024

Arising Out of PS. Case No.-632 Year-2023 Thana- KHAGARIA District- Khagaria

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Brajesh Kumar Son of Nageshwar Prasad singh Village- Ram Nagar, Ps-
Beldaur, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Khalid Faizan, Advodate
For the Opposite Party/s :	Ms. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 14-02-2025 1. Heard learned Senior counsel for the petitioner, Mr. Yogesh Chandra Verma, learned A.P.P. for the State and the learned counsel appearing on behalf of the Bank, Mr. Amresh Kumar.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 419, 420, 467 and 471 of the Indian Penal Code.
3. Learned Senior counsel for the petitioner submits that petitioner is a person with clean antecedent and in sum and substance, the allegation is that fraudulently from the account of DDC, Khagaria an amount of Rs. 51,67,220/- was withdrawn through 11 cheques and credited in the account no. 462410110003610 of Shantanu Kumar and Shantanu Kumar withdrew an amount of Rs. 50,90,000/- in cash through 13 transactions, further an amount of Rs. 24 Lakhs was withdrawn



from the account of Shantanu Kumar in between 28.01.2022 to 11.02.2022.

4. Learned Senior counsel for the petitioner submits that petitioner is not named in the FIR and his name transpired during the course of investigation. It is next submitted that petitioner being Clerk in the Bank of India, Khagaria Branch came to be implicated with an allegation that the petitioner through his Finacle ID revived the dormant account of Shantanu Kumar, thereafter removed the lien from the account of Shantanu, also changed the name of Shantanu Singh to Shantanu Kumar, thereafter visited Alauli branch of the Bank on 15.11.2022 and 23.11.2022 i.e. the date on which the amount is alleged to have been withdrawn, further on 05.03.2023, he opened the branch of the bank unauthorizedly despite the day being a holiday being Sunday, further an amount of Rs. 46 Lakhs was credited in the joint account of the petitioner with his mother.

5. The learned Senior counsel for the petitioner submits that petitioner is a Clerk posted with Khagaria Branch of Bank of India. It is next submitted that it does not appear probable that the petitioner would have used his own Finacle ID for reviving the dormant account of Shantanu and thus would have created evidence against himself. It is also submitted that as far as allegation of an amount of Rs. 46 Lakhs being credited in the joint



account of petitioner with his mother is alleged, that also amply demonstrates that petitioner was not a fool that he would have got such a huge amount credited in his account and thus would have created evidence against himself. It is further submitted that rest of the allegations that he changed the name of Shantanu Singh to Shantanu Kumar and visited Alauli Branch of the Bank on 15.11.2022 and 23.11.2022 and opened the branch of the Bank on 05.03.2023 are in realm of allegation and the same do not in any manner even remotely connect the petitioner with the offence. It is further submitted that if privilege of regular bail is granted to the petitioner, he will not abscond rather will cooperate in the trial to prove his innocence. It is further submitted that petitioner is in custody since 26.07.2024.

6. Learned APP for the State and the learned counsel appearing on behalf of the Bank oppose the prayer for bail of the petitioner. The learned counsel appearing on behalf of the bank submits that petitioner being Clerk in Khagaria Branch of Bank of India has committed the entire occurrence and is the main accused, but then is not in a position to rebut the submission of the learned Senior counsel appearing on behalf of the petitioner that why a person would use his own ID and account for committing an occurrence and thus would create evidence against himself and hence would get implicated easily.



7. Considering the submissions made by the learned Senior counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khagaria P.S. Case No. 632 of 2023.

8. One of the bailors of the petitioner shall be his father, Nageshwar Prasad Singh.

9. It is made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release, is trying to delay the trial in any manner in that event, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

(Satyavrat Verma, J)

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