IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71450 of 2024

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

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Ravi Kumar S/o Shyamanand Prasad R/o Village- Bari Balia, PS- Balia, Dist- Begusarai, At present Assistant Manager, Bank Of India, Triveniganj, Distt. - Supaul

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Mala Sinha
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-01-2025

1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the Bank, Mr. Amresh Kumar.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467 and 471 of the Indian Penal Code.

3. As per prosecution case, it is alleged that all the accused persons including this petitioner illegally and fraudulently withdrawn an amount of Rs. 51,67,220/- through 11 cheques and credited in the account no. 462410110003610 of Shantanu Kumar and Shantanu Kumar withdrew an amount of Rs. 50,90,000/- in cash through 13 transactions, further an amount of Rs. 24 Lakhs was withdrawn from the account of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 counsel for the petitioner submits that the petitioner is not named in the FIR, and his name transpired during the course of investigation. There is no specific allegation attributed against the petitioner, at the relevant time of the transactions, the petitioner was staff officer and he has no concerned regarding the operation of the account and it is the responsibility of the clerical staff. At present, the petitioner is Assistant Manager (Scale- II Officer) in Bank of India and on 11.08.2024 he has joined the service as Probationary Officer (P.O) and without any blemish work in the said Bank before the present case.

5. It is further submitted that on 01.12.2021, the petitioner joined as Assistant Manager in Bank of India at Khagaria Branch and from 06.09.2022 to 19.11.2022 he was on medical leave and thereafter from 22.11.2022 to 27.11.2022 he went for training of the Bank. Before the joining of the petitioner as assistant manager, Bank of India, in the Khagaria branch, the account no. 462410210000029 of Shantanu Kumar was unrelieved, and on 20.09.2021, it was activated much prior to the joining of the petitioner. During the course of the investigation, it has come to light that the specimen signature

given by the DDC was uploaded in the computer system by another employee of the bank and it has also come to the light that the bank in Khagaria Branch, activated account no. 462410210000029 without any document and permission of the bank officers. Brajesh Kumar, being assistant of the Khagaria branch, without permission of Khagaria Branch, withdrew the money on 15.11.2022 and 23.11.2022. It was Brajesh Kumar who opened a savings account on 27.01.2022 in the name of his mother, vide account No. 4634101122845, and deposited Rs. 46 lakhs between 27.01.2022 and 04.11.2022. On 05.01.2022, one Abhimanu Kumar, Special Assistant removed the signature of Shantanu Kumar from his account No. 4624101110003610 and on 18.01.2022 uploaded the new signature. It is next submitted that on 20.08.2022, Abhimanu Kumar, Special Assistant, removed the signature of Mr. Shantanu Kumar from account no. 462410210000029 of DDC. On 29.08.2022, Abhimanu Kumar, without verifying the KYC for account no. 4624101110003610 of Shantanu Kumar, dispatched made "H" without verifying the KYC. Hence, it is quite clear that the petitioner was not involved in alleged forgery in the bank and as such, no case under sections 419, 420, 467 and 471 of the Indian Penal Code is made out against the petitioner. It is lastly submitted that similarly situated co-accused persons have already been granted bail by Co-ordinate Bench of this Court in Cr. Misc. No. 67907 of 2014 dated 18.12.2024, in Cr. Misc. No. 69600 of 2024 dated 18.12.2024, in Cr. Misc. No. 86170 of 2024 dated 18.12.2024. Petitioner claims clean antecedent.

6. Learned APP for the State vehemently opposed the bail petition of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, clean antecedent of the petitioner and other circumstances of the case, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Khagariya P.S. Case No. 632 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C .

(Prabhat Kumar Singh, J)

Kaushik/-
Amandeep/-

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