IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74902 of 2024

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

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Ram Sakal Rai Son of Chotan Rai Resident of village- Mathurapur Ballia, P.S.- Lakho Distt- Begusarai

... ... Petitioner/s

Versus

The State of Bihar & Anr.

... ... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sarvottam Kumar, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP
For the Bank	:	Mr. Amresh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 22-01-2025 Heard learned counsels for the parties.

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

3. As per prosecution case, 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and substance, the allegation is that fraudulently, from the account of DDC, Khagaria, an amount of Rs. 51,67,220/- was withdrawn through 11 cheques and credited in the Account No. 462410110003610 of one Shantanu Kumar and Shantanu Kumar withdrew an amount of Rs. 50,90,000/- in cash through 13 transactions and further an amount of Rs. 24 Lakhs was withdrawn from the account of Shantanu Kumar in between 28.01.2022 to 11.02.2022.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. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is neither named in the F.I.R. nor any suspicion has been raised against this petitioner. Name of petitioner transpired in this case during course of investigation. At the relevant time, petitioner was posted as Armed Guard the Khagaria Branch of Bank of India and as such, he has no occasion to deal with the Bank transactions. It is further submitted that co-accused Brajesh Kumar diverted an amount of Rs. 5,00,000/- from the account of D.D.C., Khagaria in the account of this petitioner on 13.05.2022 and after institution of the instant case the same was returned by this petitioner in the account of co-accused Brajesh Kumar and as such this petitioner has not withdrawn any amount. Moreover, similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 16.01.2025 passed in Cr. Misc. No. 71450 of 2024. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the Bank have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that this petitioner, and other co-accused persons, committed fraud. It is further submitted that in

the enquiry report dated 16.08.2023 the allegation found against this petitioner is that on 13.05.2022, Rs. 5,00,000/- had been transferred from account of co-accused Brajesh Kumar to account of this petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria P.S. Case No. 632 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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