

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13675 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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Rabindra Kumar Srivastava son of Rajaram Srivastava, resident of L-133,
Sector-L, L.D.A. Colony, P.S.- Ashiana, District- Lucknow, Uttar Pradesh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.18770 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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Poonam Singh daughter of Ram Akbal Singh resident of Singh Sadan,
Mohalla - Jaiprakash Nagar, P.G. Lane, P.S.- Jakkanpur, District – Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.15634 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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Vinod Kumar Pratihast @ Binod Kumar, son of Late Janardan Pratihast,
resident of V.C. Lane, Mithanpura, Club Road, P.S.- Muzaffarpur Town,
District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.13675 of 2015)

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Advocate

For the State : Mr. Satyavarta Verma, APP

(In Cr.Misc. No.18770 of 2015)

For the Petitioner/s : Mr. Ambuj Nayan Chaubey

For the State : Mr. Arbind Kumar Pandey, APP

(In Cr.Misc. No.15634 of 2015)

For the Petitioner/s : Mr. Ambuj Nayan Chaubey

For the State : Mr. Md.Nazir Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 23-07-2015 These applications have been filed under Section 438 of the Code of Criminal Procedure by the respective petitioners apprehending their arrest in connection with Chapra Town P.S.Case No. 21 of 2015 registered under Sections 406, 409, 420, 467, 468 and 120-B of the Indian Penal Code.

The FIR has been instituted on a written report submitted by the Branch Manager of Chapra Branch of Syndicate Bank. It has been alleged that on 22.01.2015 Rajendra Prasad Nigam, Regional Manager, Syndicate Bank, Patna on inspection of Chapra Branch found that six account holders named in the FIR in collusion with five Bank officials had misappropriated a sum of Rs. 87,00000/- by using their I.D. and Password in collusion with each other. On several dates when the petitioners were on leave withdrawals were made by using their I.D. and Passwords. It was further stated that no paper of account in question is available in the Bank. It was further alleged that account number 750/221/479 in the name of one Sanjay Kumar, who is cousin of Raju Kumar, an employee of the Bank was non-operational was used for the purpose of advancement of loan. At the relevant time, the petitioner Ravindra Kumar Srivastava (Cr.Misc.No. 13675 of 2015) was the Branch Manager whereas the petitioner Vinod

Kumar Pratihast alias Binod Kumar (Cr.Misc. No. 15634 of 2015) and Poonam Singh (Cr.Misc.No. 18770 of 2015) were posted as Assistant Branch Manager in the Bank.

It has been contended that the petitioners are innocent and they have been falsely implicated in the case simply because they were posted in the Branch during the relevant period when the loan was advanced to six account holders. The petitioners were not the sanctioning authority of loan rather co-accused Dhananjay Kumar, an Assistant Branch Manager, posted in the Branch, was responsible for advancement of loan and it was he alone who was responsible for the alleged act of omission and commission.

It has been further contended that the petitioner Poonam Singh is a newly appointed unmarried girl working with the Bank for the last six months only. She had no concern with the opening of accounts of the accused or sanction of loan.

On the other hand, learned counsel for the State has opposed the prayer for bail. He has submitted that the allegations made in the FIR are serious in nature and since investigation is going on, the petitioners do not deserve to be enlarged on privilege of anticipatory bail.

Regard being had to the facts and circumstances of the case, the prayer for anticipatory bail of petitioners, namely,

Rabindra Kumar Srivastava and Vinod Kumar Pratihast alias Binod Kumar is rejected. In case, they surrender and seek bail, their prayer for bail shall be considered on merits without being prejudiced in any manner by the present order.

So far as the petitioner Poonam Singh is concerned, taking into consideration the fact that she was appointed as a Probationary Officer in the Bank in May, 2014 itself and had no direct link with the advancement of loan, in the event of arrest or surrender, within a period of four weeks from today, she is directed to be released 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, Chapra in connection with Chapra Town P.S.Case No. 21 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C and also subject to the following conditions:

- (i) The petitioner shall fully co-operate with the investigation of the case.**
- (ii) The petitioner shall not influence the witnesses or tamper with any document;**
- (iii) The petitioner shall not leave the limits of India without prior permission of the trial court;**
- (iv) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;**

- (v) **The petitioner shall not do any act prejudicial to the interest of the prosecution;**
- (vi) **The petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court;**
- (vii) **One of the sureties must be a Government servant/elected people’s representative of Panchayat/Municipality; and the other one shall be a close relative; and**
- (viii) **The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move the Court for cancellation of bail.**

Md.S./-

(Ashwani Kumar Singh, J)

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