

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37396 of 2015

Arising Out of PS.Case No. -161 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

=====

Mritunjay Kumar Singh Son of Vijay Shankar Singh, Resident of Village-
Sakari, P.O. + P.S.- Kudra, District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Bahadur Singh, Branch Manager, Central Co-operative Bank Ltd.,
Son of Late Ramadhar Singh, resident of Village - Nimija, P.S.- Sawar,
District - Kaimur (Bhabhua), Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Dudheshwar Singh, Advocate.

For the Opposite Party/s : Mr. D.P.Tiwary, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-11-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 420, 409 and 120(B) of the Indian Penal Code.

The Branch Manager, Kudra Branch of Sasaram
Bhabhua Central Co-operative Bank Ltd., alleged that in the year
2011-12 Sakri PACS was nominated for purchasing paddy and, on
the basis of the result of PACS, credit loan was provided to the
PACS. Sri Ranjit Kumar Singh, the Chairman of the PACS and
the petitioner Sri Mritunjay Kumar Singh, the Assistant Manager
of the PACS, were authorized to receive paddy and give cheques
to the farmers. The petitioner and Sri Ranjit Kumar Singh
purchased paddy worth Rs. 12,45,150/- and, on such, the payment
was made but the petitioner and Sri Ranjit Kumar Singh, Assistant



Manager, sold the paddy in open market and thereby misappropriated the entire amount. Learned counsel for the petitioner submits that the petitioner was not the Assistant Manager of Sakri PACS. Somebody has forged his signature. The Managing Committee of the PACS resolved vide its Resolution dated 25.11.2009 that the payment shall be made with the joint signature of Sri Ranjit Kumar Singh, the Chairman of the PACS, and Sri Ram Eqbal Singh, a Member of the Managing Committee of the PACS. It is further submitted that it was the PACS which also wrote a letter to the Bank that the account was to be operated in the joint signature of Sri Mritunjay Kumar Singh and Sri Ram Eqbal Singh. The petitioner did not misappropriate even a single farthing.

On the other hand, learned A.P.P. has opposed the prayer for anticipatory bail.

From perusal of the record, it appears that the allegation against the petitioner is that he was the Assistant Manager of the PACS and from perusal of the Demand Promissory Note it appears that the petitioner and Sri Ranjit Kumar Singh put their signatures on the cheques and made payment to the farmers. From the order of the learned Sessions Judge, it appears that it was the submission of the learned counsel for the

petitioner that he was the Assistant Manager of the PACS and he is not at all responsible; rather the Chairman of the PACS is responsible for defalcation of the loan amount and, after all, the liability is of civil nature.

Having considered the facts that the cheques were issued in the joint signature of the petitioner and Sri Ranjit Kumar Singh and thereby the petitioner purchased paddy worth Rs. 12,45,150/- but did not keep the paddy or delivered the same to the godown and misappropriated the entire sum, I am not inclined to enlarge the petitioner on anticipatory bail in Kudra P.S. Case No. 161/2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--