IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50065 of 2013

Arising Out of PS.Case No. -385 Year- 2008 Thana -KADAMKUAN District- PATNA

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1. Umesh Prasad Singh S/O Late Vishnu Prasad Singh Resident Of Mohalla- Vikramshila Colony, Ramsagar Chowk, Police Station- Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Saroj Kumar Choudhary, Branch Manager, Central Bank of India, New Area, Kadam Kuan Branch, Patna.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf
For the Opposite Party/s : Mr. Md.Ansarul Haque(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

9 23-03-2015 Heard both sides.

The petitioner apprehends his arrest in Kadamkuan P.S.Case No. 385 of 2008 under sections 419, 420 and 34 of the Indian Penal Code.

The Branch Manager of the Central Bank of India made allegation that while the petitioner was the Branch Manager of Central Bank of India, New Area, Kadam Kuan Branch, Patna, he sanctioned cash credit loan facility upto Rs. 6 lacs to one Mirnal Kasautiyar for running a business in the name of M/S Zypter without verifying the genuineness of the documents filed by the loanee and guarantors.

It is submitted that the petitioner was departmentally proceeded. During the course of departmental enquiry the petitioner got a letter of the Branch Manager in which he sought legal opinion on the loan documents and the endorsement of the Assistant Manager of the Bank that the loan documents are fit and he can be granted cash credit facility. But, during the course of enquiry it was found that the mortgage deed of Santosh Kumar was fake, as Santosh Kumar had died prior to the execution of the mortgage deed. Even other guarantors Neelam Agarwal and Jag Mohan Sharda knowingly concealed the facts. The petitioner without scrutinizing all the papers granted loan to Mirnal Kasautiyar. It appears from the records that it was the petitioner who sanctioned loan without verifying the genuineness of the documents thereby caused loss to the Bank. The loanee in a short span of time withdrew the entire cash credit facility and did not deposit the installments and even the petitioner did not take any action.

In the facts and circumstances, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

B.Roy/-

(Prabhat Kumar Jha, J)

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