

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26616 of 2012

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1. Anil Kumar Jha S/o Bahadur Jha.
 2. Binay Kumar S/o Shri Gopal Prasad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh No. 1, Adv.

For the Opposite Party/s : Mr. /Smt.Indu Bala Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

5 04-05-2015

The petitioners seek quashing of the order dated 07.06.2012 by the Sub-Divisional Judicial Magistrate in Masourhi P.S. Case No. 325 of 2010.

The case of the informant who happens to be the Branch Manager of Bank of India is that a consumer had complained to him that Rs. 30,000/- had been withdrawn from his account. When the records were searched the vouchers were found missing. Subsequently the money was deposited by the staff of the Branch. Petitioner no. 1 was the Branch Officer of the Branch and the Petitioner No. 2 was the cashier at the relevant time.

The submission is that there is absolutely no material to substantiate the allegations that the petitioners were involved in the transaction.

Case diary was called for to verify this submission.

Learned APP on going through the same submitted that

apart from the repetition of the allegation in the first information report, there is no material to show that who had withdrawn or subsequently deposited the amount of Rs. 30,000 /-. The investigating Officer had opined that since the petitioners were officers of the Bank it was their responsibility hence they should be prosecuted.

Having considered that there is no direct material against the petitioners to justify the allegation, the application is allowed and the order dated 07.06.2012 passed by the Sub-Divisional Judicial Magistrate in Masourhi P.S. Case No. 325 of 2010 is hereby quashed.

(Anjana Prakash, J)

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