

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43044 of 2015

Arising Out of PS.Case No. -339 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Madan Mohan Barnwal Son of Late Nagat Prasad Resident of Village /
Mohalla - Pandey Tola, Ward No. 23, P.S. - Shikarpur, District - West
Champaran at Bettiah (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. R.P.S.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

02/ 14-10-2015

Heard learned counsels for the petitioner

and the State.

The petitioner being the Cashier of State Bank of India, Narkatiaganj Branch is apprehending his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 379 and 120B of the Indian Penal Code.

The prosecution case is that the informant being the Block Development Officer, Narkatiaganj alleged that from the Govt. account with the forged joint signature of the informant and the Nazir Rs.12,26,000/- have been withdrawn from the State Bank of India, Narkatiaganj Branch. The informant on 25.07.2015 ordered the Nazir to get the passbook

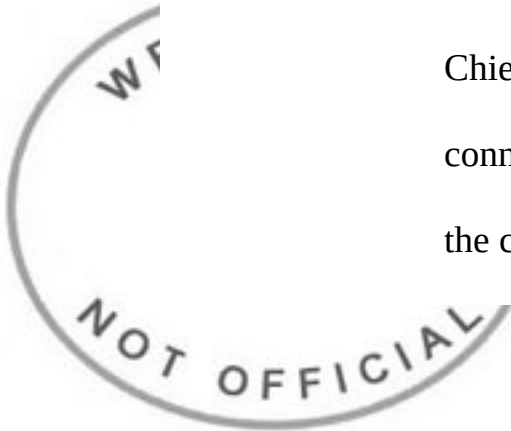
updated when several withdrawals were detected leading to registration of the FIR on 29.07.2015.

It is submitted by learned counsel for the petitioner that the bank had conducted enquiry, found that the withdrawals were made through six cheques between 22.07.2015 to 25.07.2015 and on all the cheques bear the genuine signatures of the B.D.O. and the Nazir and after verifying their signatures the withdrawal was permitted. Hence, the Block Development Officer and Nazir in order to save their own skin lodged the present case. Though, the bank also reported the matter to the Police but the police has registered the case on the written report of the B.D.O., hence, no action was taken on the information of the bank. As per own admission of the informant the informant came to know about the withdrawal on 25.07.2015, but even though the FIR was registered on 29.07.2015.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the bank is not disputing the genuineness of the signatures of the B.D.O. and Nazir, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on

furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 339 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)

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