IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36108 of 2015

Arising Out of PS.Case No. -900 Year- 2014 Thana -PATNA COMPLAINT CASE District- PATNA

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Ashok Kumar, aged about 51 year, S/o Shri Gupteshwar Ram R/o village - Bhadshera, P.O. Bhadshera, P.S. Tarari, District - Bhojpur (Ara), at Present residing in the house of Shri Chandra Shekhar Prasad, Mohalla - Anandpuri, P.O. and P.S. Khagaul, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Babloo Kumar @ Bablu Singh Kushvaha S/o Shri Ram Ekbal Singh R/o village - Nauratanpur, P.S. Khagaul, District - Patna

.... Opposite Party/s

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Appearance:
For the Petitioner/s : Mr. Krishna Ballabha Sharma
For the Opposite Party/s : Mr. Amit Kumar Rakesh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-11-2015 Heard both sides.

The petitioner apprehends his arrest in a case under Sections 406 and 420 of the Indian Penal Code.

The complainant alleged that the petitioner is a Cashier of the State Bank of India, Khagaul Branch and he unauthorizedly withdrew a sum of rupees two lakhs sixty thousand from A/C No. 31894314893 of the complainant. The complainant complained before the Branch Manager and the amount, debited from the account of the complainant, was retrieved. It is alleged that when the complainant went to enquire from the petitioner about the reason of withdrawing the amount, the petitioner is alleged to have abused and assaulted the complainant and also snatched his gold ring worth Rs. 70,000/-. Learned counsel for the petitioner submits that the petitioner is on inimical terms with the complainant. According to the petitioner, the complainant had taken Rs. 15,00,000/- from the petitioner with an assurance to return the money and the complainant, on demand, gave a cheque of Rs. 3,00,000/-, but the complainant wrote a letter to the Branch Manager of the State Bank of India for stoppage of payment of the aforesaid cheque as the same was missing. It is submitted that the petitioner has not committed any crime. The petitioner debited the account on the basis of the aforesaid cheque without having any knowledge about the stoppage of payment. On enquiry by the Branch Manager, the same amount was retrieved and credited to the account of the complainant.

Learned counsel for the complainant, however, opposed the prayer for anticipatory bail and submitted that the petitioner had fraudulently debited the account of the complainant without his knowledge.

Having considered the facts that a cheque was issued in favour of the complainant and the same amount was debited from the account of the complainant, but immediately thereafter, on the intervention of the Branch Manager of the Bank, the same amount was credited to the account of the complainant, and the petitioner is a bank employee, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Danapur in Complaint Case No. 900(C)/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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