

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15995 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHAGALPUR

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Anant Roy @ Anant Kumar

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Binay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhaya, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-07-2015

The petitioner seeks quashing of the order of cognizance dated 03.03.2009 passed by the Judicial Magistrate 1st Class, Bhagalpur in Complaint Case No. 141 of 2008.

The case of the complainant is that he had been signed a loan of Rs. 7 lakh for construction of the house which he duly constructed. In the meanwhile the erstwhile Manager was transferred and petitioner took charge as Manager. He then reduced the loan amount hence the present complaint .

It has been submitted on behalf of the petitioner that he was the Manager of Bhagalpur Branch between 21.03.2007 to 19.05.2008 and it was his duty to look into the procedure in which the Bank business was conducted. When he found that the property under equitable mortgage with the Bank was sold by the complainant to another person he cancelled the loan as per guidelines and hence committed

no wrong.

Having gone through complaint and the relevant documents, I would inclined to agree with the submissions of the petitioners. Hence the application is allowed and the order of cognizance dated 03.03.2009 passed by the Judicial Magistrate 1st Class, Bhagalpur in Complaint Case No. 141 of 2008 is hereby set aside.

(Anjana Prakash, J)

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