

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14475 of 2013

Arising Out of PS.Case No. -1879 Year- 2010 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Niraj Raman S/O Late Gaya Prasad Resident Of Village- Tatma Toli, Janmashtani Mandir, Purnia, P.S.- Purnia, Distt.- Purnia, At Present Posted As Chief Manager, State Bank Of India Jamalpur Railway Colony Branch, Distt.- Munger

2. Awadhesh Kumar Jha S/O Sri Sushil Jha At Present Posted As Credit Officer, R.B.O., Darbhanga, State Bank Of India, Darbhanga, P.S.- Darbhanga, Distt.- Darbhanga, Permanent Resident Of Village- Makranda, P.S.- Manigachhi, Distt.- Darbhanga

.... Petitioners

Versus

1. The State of Bihar

2. Rubi Kumari W/O Sri Sajjan Kumar Ranjan, Mona Beauty Parlour, Resident Of Aurvedic Campas, D.B. Road, Saharsa, P.S.- Saharsa, Distt.- Saharsa

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Sr. Advocate
Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nut,APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-07-2015

Heard learned counsel for the petitioners and
learned APP for the State.

2. The present petition has been filed for quashing
the order dated 30.03.2012 passed by Sri D. Kumar J.M. Ist Class,
Saharsa, in connection with Complaint Case No. 1879 (C) of 2010
for the offences under Sections 406/34 of the Indian Penal Code.

3. Learned Senior Counsel for the petitioners
submits that the petitioners have been falsely implicated and even



taking the accusations in the complaint on their face value no offence is made out insofar it concerns the present petitioners. It is stated that the petitioner no. 1 was posted at State Bank of India, Bazar Branch, Saharsa as Branch Manager on 13.11.2008 and stayed there upto 25.01.2012, while the petitioner no. 2 was posted at the said branch and remained there from 20.04.2007 to 31.10.2010 as Passing Officer/Field Officer. The loan in question was obtained by the complainant as far back as in the year 1995 and neither the petitioners were posted at the said branch and as such the question of entrustment of the document in question to them would not arise. It is therefore, submitted that the ingredients of the offences under Sections 406/34 of the Indian Penal Code are not fulfilled insofar it concerns these petitioners.

4. Despite notice having been issued, none appears on behalf of the complainant when the matter is called today.

5. This Court is of the view that the loan having been obtained by the complainant in the year 1995, as is evident from the deposition of her husband, Sri Sajjan Kumar Ranjan, when the documents were submitted to the concerned Bank, the same obviously was not entrusted to these officers who were posted there much subsequently and in such circumstances continuance of prosecution against these petitioners would amount to abuse of

process of the Court.

6. Accordingly the order dated 30.03.2012 passed by Sri D. Kumar J.M. Ist Class, Saharsa, taking cognizance in connection with Complaint Case No. 1879 (C) of 2010 is hereby quashed.

7. The petition stands allowed.

(Vikash Jain, J)

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