

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31529 of 2014

Arising Out of PS.Case No. -211 Year- 2012 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

1. Manoj Kumar, Son of Shri Bhupendra Kumar, Resident of Mohalla-
Ashok Nagar, Road No.-1, Kankarbagh, Patna, P.S.- Kankarbagh, District-
Patna

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Samrendra

For the Opposite Party/s : Mr. Ganesh Pd. Singh(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 30-01-2015

Heard the parties.

The petitioner apprehending his arrest seeks the privilege of pre-arrest bail in connection with Pipra P.S. Case No. 211 of 2012 under Sections 323,420,409, 467,468, 504, 506/34 and 120B of the Indian Penal Code.

Allegedly, the petitioner being the Branch Manager of State Bank of India, Chintamanpur, East Champaran, being in collusion and conspiracy with other co-accused cheated the complainant/informant in various ways and in spite of receiving the margin money and fixed deposit the informant has not been delivered the Auto for which he had applied for loan.

Submission on behalf of the petitioner is that the petitioner, being the Branch Manager, as per instruction of the

informant and her husband transferred the amount of Rs. 1,93,000/- in the account of M/S Anand Automobiles on 27.7.2011. The petitioner has committed no offence. The fixed deposit which was of Rs. 76,500/- and whose maturity value is Rs. 1,00,648/- is still intact vide Annexures-4 and 4/1 and, as such, no forgery or anything has been done by the petitioner. It was between Anand Automobiles and the informant and her husband and to the knowledge of the petitioner Tempo has been delivered on 31.1.2013 but papers have not been taken away as there is dues of Rs. 20,000/- against the informant and her husband, vide Annexure -9.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that the petitioner was also in collusion and conspiracy with other co-accused.

In the facts and circumstances as stated above, considering that the fixed deposit amount is still intact and only margin money and the bank loan sanctioned has been transferred in the account of Anand Automobiles for delivering the Tempo as per requisition of the husband of the informant, and, as such, the petitioner in case of his arrest or surrender within two months shall be released on bail on furnishing a bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari in connection with Pipra P.S.Case No.211 of 2012, subject to the conditions as laid down under Section 438 Cr.P.C.

(Jitendra Mohan Sharma, J)

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