

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2941 of 2016

Arising Out of PS.Case No. -207 Year- 2013 Thana -DINARA District- SASARAM (ROHTAS)

Jai Mangal Prasad Son of Late Babu Nand Jee, Resident of Village-
Dhobhan, P.O- Dhobhan, P.S.- Ara District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. H.A.Khan(App)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 30-08-2016 Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioner is challenging the order taking cognizance dated 25.3.2015 passed in Dinara P.S. Case No. 207 of 2013 (G.R. No. 1188 of 2013) whereby cognizance has been taken for offence under Sections 409/ 420/ 467, 468/34 of the Indian Penal Code.

As per allegation made in the First Information Report, for withdrawing money, the I.D. of the petitioner was used by the Sweeper of the Bank and it has been mentioned that money has been withdrawn in connivance of the petitioner. At the same time, learned counsel for the petitioner has submitted that it may be a case of dereliction and negligence of duty and it cannot be

said that the petitioner has committed any offence. Learned counsel for the petitioner has also placed reliance in the case of *Rishipal Singh Vs. State of Uttar Pradesh & Anr.* reported in 2014(7) SCC 215. In that case, there is no allegation with regard to connivance and using I.D. of the bank employee. Negligence of duty is one thing but, connivance in withdrawal of money is quite different.

At this stage, this Court is not giving any opinion on the merit of the case but, the petitioner is given liberty to raise all the points at appropriate stage.

This application is, accordingly, dismissed.

(Shivaji Pandey, J)

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