

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16773 of 2016

Arising Out of PS.Case No. -310 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

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Ramesh Kumar, Son of Shri Rajendra Paswan, R/o Village - Kalambagh
Chowk Road, P.S. - Kazi Mohammadpur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Branch Manager, Bank of Baroda, Shahebganj, Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner	: Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Surendra Kumar Mishra, Advocate
For the S t a t e	: Mr. Umesh Lal Verma(APP)
For the Bank of Baroda	: Mr. Satish Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 27-06-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State as well as the

learned counsel appearing for the Bank.

The petitioner is apprehending his arrest in connection
with Sahebganj P.S. Case No.310 of 2015 for allegedly having
committed the offence under Sections 379, 406 and 420 of the
Indian Penal Code.

Mr Yogesh Chandra Verma, learned Senior Counsel
appearing on behalf of the petitioner submits that though there is
an allegation against the petitioner of defalcating money to the
tune of Rs.11.35 lacs from the Branch of the Bank of Baroda,
the F.I.R. in the present case was lodged after lapse of almost 19



days, for which no plausible explanation has been offered by the informant. It is further submitted on behalf of the petitioner that the petitioner has already been suspended and he shall make himself available for whatever investigation is under progress and shall also co-operate after submission of the chargesheet with regard to the present case.

Learned counsel appearing on behalf of the Bank submits that the delay has been occasioned on account of the fact that the Branch Manager had sought for further instructions from the higher authorities, but such explanation seems rather illogical as in such matter, where there is a huge defalcation of public money. In a Public Sector Bank, such incidents are reported forthwith to the police and also to the higher authorities.

Learned counsel appearing on behalf of the State submits that the investigation is still in progress and that the chargesheet has not been submitted with regard to the present case.

However, considering all the facts and circumstances and that the petitioner has already been suspended and he is not likely to tamper with the evidence which is available in the Bank and must have been seized by the police, let the petitioner, above named, in the event of his arrest or surrender before the

court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Muzaffarpur (West), in connection with Sahebganj P.S. Case No.310 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioner shall at all material times co-operate with the investigation and shall present himself after submission of the charge sheet before the court below. In case the petitioner abstains from appearing in the court below on any two consecutive dates without there being any valid cause, it shall be open for the investigating authorities to move the court below or this Court for modification/cancellation of the present order.

(Anjana Mishra, J)

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