

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34193 of 2016

Arising Out of PS.Case No. -56 Year- 2016 Thana -MAKHDUMPUR District- JEHANABAD

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Abhishek Anand son of Pramod Kumar Maury resident of Village-
Kachnama, P.S.- Makhdumpur, District- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar, Adv.

For the Opposite Party/s : Mr. Gopesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 18-10-2016 Heard both sides.

The petitioner apprehends his arrest in Makhdumpur
P.S. Case No. 56/2016, registered for the offences punishable
under Sections 467, 468, 471, 419, 420 and 409 of the Indian
Penal Code.

The Manager, State Bank of India, Makhdumpur Branch
alleged that on 19.05.2014 Rs. 40,000/- was withdrawn from
Account no. 32616118383 by committing fraud, by Raj Malhotra,
Assistant of the bank and Abhishek Anand son of Pramod Kumar
Maurya Organizer of Kiosk Bank.

Learned counsel for the petitioner submits that there is
no evidence against the petitioner that the petitioner withdrew Rs.
40,000/- from the said account. Rs. 10,000/- can be withdrawn
from the account of a person in a Kiosk Bank, but Rs. 40,000/-

cannot be withdrawn without the permission of Branch Manager. The Account-holder filed a case in the Consumer Forum and notice was given to the Branch Manager. The Branch Manager filed this case, but from perusal of the record it appears that Raj Malhotra is the then Assistant of the S.B.I., Makhdumpur, made payment of Rs. 40,000/- to the petitioner on 19.05.2014 whereas, neither the Assistant nor the Organizer of Kiosk Bank has got authority to withdrew the amount. There is procedure for payment of only Rs. 10,000/- to the account-holder that too after proper verification from the Kiosk Bank.

It appears that petitioner who is the son of Pramod Kumar Maurya in collusion with Raj Malhotra illegally withdrew Rs. 40,000/- from the aforesaid account.

Considering the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below learned court below shall consider prayer for regular bail of the petitioner on its own merit.

(Prabhat Kumar Jha, J.)

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