

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24838 of 2016

Arising Out of PS.Case No. -1 Year- 2015 Thana -CHARIABARIYARPUR District- BEGUSARAI

1. Ratikant Swen @ Ratikant Swain son of Purnachand Swain resident of Kustipuri, P.O.- Kusti Puri, District- Katak, Orissa.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 11-08-2016

Heard both sides.

The petitioner apprehends his arrest in Cheriya Bariyarpur P.S. case No.01/2015 under Section 406, 409, 419, 420, 467, 468, 471, 120B/34 of the Indian Penal Code.

The informant, the Divisional Manager of Asmita Microfin Ltd. Company, alleged that the petitioner is Regional Manager posted at Begusarai and Govind Kumar is the Branch Manager of Company posted at Manjhaul branch. The account of the company is in the State Bank of India branch, Manjhaul bearing No. 32554389. The cheque of the company is kept in the custody of the petitioner and with the joint signature of the petitioner and Branch Manager the money is withdrawn through the cheque. It is alleged that petitioner fraudulently withdrew Rs. 5,25,000/- vide cheque No. 634589 and cheque Nos. 634587 and

634583 were missing. The cheque, which was en-cashed, bears the signature of petitioner and Govind Kumar.

The learned counsel for the petitioner submits that the Divisional Manager lodged the case on 02.01.2015 but the petitioner filed a petition before the Regional Manager, State Bank of India, Begusarai to show the CCTV camera for payment at the time of encashment of cheques but the Regional Manager was not cooperating and no enquiry was held. Some body stole the cheques from the custody of the petitioner and forged the signature of the petitioner and Branch Manager of the company and thereafter withdrew the amount.

It appears that petitioner was custodian of the cheques and he did not inform about the missing of cheques.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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