

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6339 of 2016

Arising Out of PS.Case No. -292 Year- 2015 Thana -ARA NAWADA District- BHOJPUR

1. Shrawan Kumar Chaudhary @ Sharwan Choudhary @ Sharwan Kumar Choudhary Son of Niranjana Kumar Chaudhary Resident of Flat No. 202, Khawab Apartment, New Patliputra Colony, P.S.- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Sanjay Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-02-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code.

The prosecution case is that the informant is a dealer of battery and inverters and he has two accounts in the Oriental Bank of Commerce, Ramna Road, Ara. Due to business transaction, the informant developed cordial relationship with the petitioner being Branch Manager of the said bank. It is alleged that on 10.3.2015, the petitioner being Branch Manager, persuaded the informant to deposit two cheques to meet the exigencies of audit and transferred the amount of rupees fifty three lacs and five lacs from

the informant's account to the accounts of Indrajeet Upadhyaya and Arun Kumar Singh without the consent and authorization of the informant. In spite of request being made, the amounts were not being transferred back to the account of the informant rather a notice of payment of rupees forty lacs was given to the informant.

It is submitted by the learned counsel for the petitioner that the amount was transferred by virtue of the cheques duly signed by the informant on 10.3.2015 but the complaint was filed after three months on 09.06.2015. It is further submitted that the complaint was filed after notices were issued to the informant on 17.4.2015 with regard to the repayment of outstanding loan amount of Rs.40.12 lacs and the other co accused in whose account the money was transferred, has been granted anticipatory bail by a co-ordinate bench of this court vide Cr. Misc. No. 2228 of 2016.

Considering the unreasonableness of the accusation and the fact that the informant himself appears to be a defaulter in repayment of the loan amount, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned

CJM, Bhojpur at Ara in connection with Ara Nawada P.S. Case
No.292 of 2015 subject to the conditions as laid down under
Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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