IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15278 of 2016

Arising Out of PS.Case No. -305 Year- 2014 Thana -PIRBAHOR District- PATNA

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Mithilesh Kumar Singh S/o Late Bindeshwari Singh Vill Patori, Post Nemdarganj, P.S. Akbarpur, Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Shashi Kant Kumar, Advocate.
For the Opposite Party : Mr. Arun Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-07-2016 Heard both sides.

The petitioner apprehends his arrest in Pirbahor P.S. Case No. 305 of 2014 registered for the offences punishable under Sections 467, 468, 471, 406, 408, 420 and 120B of the Indian Penal Code.

The complainant filed complaint petition alleging that Rajesh Kumar Gupta, Manish Kumar @ Bhola the agent of daily deposit scheme and Mithilesh Kumar Singh, the branch manager of cooperative bank along with Shashi Bhushan Prasad defalcated Rs. 18,72,000/-.

Learned counsel for the petitioner submits that on the basis of complaint petition the present FIR was lodged. The petitioner was branch manager of the bank. He never received money from the informant nor misappropriated any amount during the relevant time. The petitioner was deputed in headquarter.

Learned counsel for the informant as well as the learned APP for the state, however, opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner has got criminal antecedent. He is accused in Pirbahor P.S. Case No. 306 of 2014, Doranda P.S. Case No. 59 of 2007 and another criminal case lodged in Bokaro.

Learned counsel for the petitioner further submits that there is no criminal case in Bokaro against the petitioner and Doranda P.S. Case No. 59 of 2007 was registered against Sita Saran Prasad and Ragho Prasad, former bank managers of the cooperative bank. The petitioner was not named in the FIR. During the course of investigation, the name of the petitioner also transpired as accused, but the petitioner had filed quashing application.

It appears from the facts that in the present case the informant and his family members started depositing money in the daily deposit scheme through agent Manish Kumar @ Bhola and the branch manager, the assistant of the branch were also responsible for checking the accounts and if the money is not deposited in daily deposit scheme they are duty bound to inform the depositors. It appears that more than Rs. 18,72,000/- have been misappropriated in collusion with the branch manager, assistant and the agent of the bank.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail in Pirbahor P.S. Case No. 305 of 2014, pending in the court of A.K. Ram, Munsif-cum-Judicial Magistrate, 1st Class, Patna. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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