

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 54060 of 2016

Arising Out of PS.Case No. -493 Year- 2015 Thana -BAGAHA District-
WESTCHAMPARAN(BETTIAH)

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Govind Pandey S/o Madan Mohan Pandey, Resident of Village –
Mangalpur, P.S. Laukaria, District – West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Branch Manager, the National Central Co-operative Bank Ltd.
Bagaha Branch, Bagaha, District – West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 22-12-2016 Heard Sri Sanjeev Kumar, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is one of the F.I.R. named
accused in the capacity of PACS Manager, has approached this
Court for grant of anticipatory bail in a case, which was lodged
almost one year back as Bagaha P.S. Case No. 493 of 2015 for
offence under Sections 409, 120(B) & 34 of the Indian Penal
Code. The said F.I.R. was lodged on 12-12-2015.

Learned counsel for the petitioner, by way of referring
to F.I.R., tried to persuade the Court that F.I.R. was lodged
virtually with a view to take step for recovery of amount and as
such, no criminal offence is made out. He submits that in an
identical situation, the Hon'ble Apex Court in a recent judgment



reported in **(2016) 1 S.C.C. 348 {A.R.C.I. vs. NIMRA CERGLASS TECHNICS (P) LTD.}** has observed that in a civil dispute matter, criminal proceeding may not be initiated. On aforesaid ground, a prayer has been made for extending the privilege of anticipatory bail.

However, on going through the material on record, particularly the impugned order, it is evident that much prior to filing of this anticipatory bail petition, the petitioner had also filed a criminal writ petition for quashing of F.I.R., however; no positive order was passed in favour of the petitioner. It is true that even during pendency of criminal writ petition, the petitioner was granted interim protection.

Once, the F.I.R., which was assailed by the petitioner, has already been approved, there is no point to entertain the submission that it is a civil dispute. Fact remains that due to omission or commission on the part of the petitioner, the Bank has suffered loss for more than seven lacs.

I do not find any ground to extend the privilege of anticipatory bail.

Dismissed.

(Rakesh Kumar, J.)

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