IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 48635 of 2016

Arising Out of PS.Case No. -7 Year- 2015 Thana -C.B.I CASE District- PATNA

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Bagish Nath Dubey Son of Brij Kishore Dubey, resident of At + P.O.- Goh, Dubey Tola, Police Station- Goh, District- Aurangabad.

.... Petitioner

Versus

The Central Bureau of Investigation through Addl. Supdt. of Police, CBI/ACB/Patna.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. Sanjay Kumar (SC,CBI)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2. 16-12-2016 Heard Sri Manish Kumar No.2, learned counsel for the petitioner and Sri Sanjay Kumar, learned Standing Counsel for Central Bureau of Investigation.

The petitioner, who at the relevant time was Branch Manager in Madhya Bihar Gramin Bank, Ushari Branch, District Arwal, has approached this Court for grant of anticipatory bail in Special Case No. 3A of 2015, arising out of R.C. Case No. 7A of 2015, registered for offence under Sections 409, 420, 467, 468, 471 and 477A of the Indian Penal Code and Section 13(2) r/w Section 13 (1) (c) & (d) of the Prevention of Corruption Act, 1988, has prayed for grant of anticipatory bail.

It was submitted by Sri Manish Kumar-2, learned counsel for the petitioner that being Branch Manager, on the basis of enquiry report, he was supposed to sanction loan and he has acted in discharge of his official duty and disbursed loan. He submits that loans were sanctioned, as per the report submitted by the circle and revenue *karamchari* and as such, petitioner may not be alleged that he has disbursed the loan to fictitious persons.

Learned Standing Counsel for C.B.I., while opposing the prayer, submits that petitioner was named as accused in the F.I.R. with specific accusation that Bank, due to omission or commission of the petitioner, had suffered loss to the tune of **Rs. 1,11,38,486/-** (One crore eleven lacs thirty eight thousand four hundred & eighty six). Even, it has been noticed during investigation that loan was sanctioned to at least 23 fictitious persons. He further submits that after thorough investigation, the C.B.I. has submitted chargesheet.

Keeping in view the fact that petitioner was a Branch Manager and it is a case that loan was sanctioned even to fictitious persons and Bank has suffered loss of more than one crore as well as the fact that after investigation, chargesheet has been submitted, there is no reason to entertain the prayer for anticipatory bail.

Dismissed.

(Rakesh Kumar, J.)

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