IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18427 of 2016

Arising Out of PS.Case No. -306 Year- 2014 Thana -PIRBAHOR District- PATNA

==

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

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

==

Appearance:
For the Petitioner/s : Mr. Shashi Kant Kumar, Advocate.
For the Opposite Party/s : Mr. R.S. Choudhary, A.P.P.

==

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-08-2016 Heard both sides.

The petitioner apprehends his arrest in Pirbahor P.S. Case No. 306/2014 registered under Sections 467, 468, 471, 406, 408, 420 and 120B of the Indian Penal Code.

The gist of the allegation is that the informant opened an account in the Bihar State Co-operative Bank Limited with the permission of the petitioner Mithilesh Kumar Singh, Branch Manager, in Daily Deposit Scheme through authorized agent no. 264 Manish Kumar @ Bhola. The informant, his father and other family members deposited Rs. 2,500/- and Rs. 2,000/- per month in four accounts bearing no. 000342001100325, 337, 338, 328. The informant and his family members altogether deposited Rs. 15,01,500/- but after maturation it was found that the agent did not deposit the amount in the accounts of the informant and his family members.

Learned counsel for the petitioner submits that the informant alleged that Branch Manager, agent and cashier of the Bank in collusion with each other misappropriated the entire amount. It is submitted that the petitioner is the Branch Manager of the Bank and there is no specific allegation against him. The accounts opened under Daily Deposit Scheme are liable to be checked by account holders periodically and entries are made in the pass book but neither the informant nor his family members ever appeared in the Branch for updating the passbooks. The petitioner is not at all responsible, rather the authorized agent no. 264 Manish Kumar @ Bhola, who used to collect money from the informant and others, misappropriated the entire amount in collusion with the cashier.

On the other hand, learned counsel for the informant as well as learned A.P.P. submitted that the petitioner is the main accused. The prayer for anticipatory bail of a co-accused having similar allegation was earlier rejected. According to the rules and regulations of Daily Deposit Scheme, the Bank is to verify the accounts of daily depositors. If daily deposit is not made on regular basis, the Bank is authorized to close the account without giving notice to the depositor. In the present case, the Branch

Manager, the cashier and the agent all were in collusion with each other, and never informed the depositors that money was not being deposited in their accounts by the authorized agent, who used to collect money on each and every date from the account holders.

It appears that the petitioner, being the Branch Manager, is also responsible for misappropriation of the amount as the petitioner is duty bound to check the accounts opened under Daily Deposit Scheme regularly. Neither the cashier nor the Branch Manager checked the accounts of Daily Deposit Scheme till their maturation.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Pirbahor P.S. No. 306 of 2014. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	