

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50681 of 2016

Arising Out of PS.Case No. -34 Year- 2014 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Baleshwar Prasad Sinha son of late Phani Gopal Sinha, resident of
village/Mohalla-Sabour/Adampur, P.S.-Adampur, District-Bhagalpur, Ex.
Senior Manager (Employ No. 31793, Canara Bank, gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Prakash Kumar, Manager (Law) Circle Office, Canara Bank
Luv-Kush Tower, Exhibition Road, Patna, Bihar.
3. Registrar, Economic Offence, Patna, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kr. Jha, Advocate
Mr. Dhramveer, Advocate

For the Canara Bank : Mr. Satya Prakash Tripathy, Advocate
Mr. Styat Brat, Advocate

For the Economic Offence : Mr. V. P. Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 406, 420, 409, 467, 468, 471, 472 and
120B of the Indian Penal Code.

Allegation against petitioner is of fake withdrawal of
money from the bank.

It is submitted on behalf of the petitioner that he has got
no criminal antecedent. There is no allegation of tampering of
witnesses against petitioner. Petitioner is not named in the F.I.R.
There is no substantive evidence to suggest his implication in the
present case. He has no concern with the Branch Manager of the
branch. He had no role to play in the fake withdrawal made by
other co-accused. He has become victim of the circumstance.

Mr. V.P. Singh learned senior counsel for the Economic

Offence and Mr. Satya Prakash Tripathy, learned counsel for the Canara Bank and learned State counsel have submitted that petitioner is not named in the F.I.R. He opened a bank account in the name of fake person and within a period of two months got deposited Rs. 1, 91, 77,000/- and out of which Rs. 1,65, 25.000/- was withdrawn. The bail to the other co-accused, namely, Mukesh Pathak, has already been rejected by the court.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner, same is rejected.

Any how, if petitioner surrenders in the court below, i.e., Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Economic Offence P. S. Case no. 34 of 2014 within a period of six weeks and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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