

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6778 of 2016

Arising Out of PS.Case No. -281 Year- 2014 Thana -BHAGALPUR KOTWALI
District- BHAGALPUR

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Sushil Kumar Verma, S/o Late Sachchidanand Lal, Resident of
Village+PO-Pitaunjhia, P.S.- Hathuvi, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State Bank of India, through the Branch Manager, JLNMCH,
Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Shivesh Chandra Mishra, Advocate
Mr. Anirudh Kumar Verma, Advocate
For the State : Mr. Umesh Lal Verma(APP)
For the State Bank of India: Mr. Kaushlendra Kumar Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 26-07-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Kotwali (Barari) P.S. Case No.281 of 2014
for allegedly having committed the offence under Sections
419, 420, 467, 471 and 472 of the Indian Penal Code.

The allegation against the petitioner is that he had
misappropriated money belonging to different accounts to the
tune of above Rs.38,00,000/- (Thirty eight lacs).

It is submitted that the petitioner has now been
proceeded departmentally and has since been dismissed from

service.

Learned counsel appearing on behalf of the opposite party-State Bank of India submits that the petitioner had been consistently transferring the amount to the non-home accounts between the period 2011 and 2013. The said irregular transactions made by the petitioner were discovered only in the month of May, 2014 and thereafter, the Branch Manager of the concerned Branch was directed to lodge an F.I.R. against the petitioner. Learned counsel for the Bank has also brought on record the transactions made by the petitioner within the aforesaid period. It is submitted that part of the money, which was so transferred, has since been recovered, but a substantial amount still remains to be recovered and thus, the Bank has suffered a loss of around Rs.25,000/- as on date.

It is submitted by the petitioner that since he was proceeded departmentally and has already been dismissed from service, he has no access to any of the records and, therefore, there is no likelihood of his tampering with the evidence so as to prejudice the Bank in any manner any further. He further submits that the petitioner is an old man and will co-operate in the trial as and when required. He

further submits that the petitioner shall be present in court to accept the papers soon after the chargesheet is submitted, if not already submitted. He further undertakes that he shall be present on all dates before the court below and if he is absent on two consecutive dates without there being any justifiable cause, his bail bonds shall be cancelled.

In view of the aforementioned facts and circumstances and since the matter involves serious fraud in the Bank in which the petitioner is alleged to have been wholly and solely responsible and also because it involves public money and that the petitioner has already been dismissed from service, this Court directs that petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Barari) P.S. Case No.281 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioner shall honour the

undertakings, referred to above in this order, and that he shall furnish bail bonds in which one of the bailors shall be his close blood relative, which may include his wife/son/daughter, who shall keep the court informed about any change of address of the petitioner. In case the petitioner fails to honour the undertakings, it shall be open to the court below to proceed, in accordance with law. It shall also be open to the opposite party-State Bank of India to move this Court or the court below for modification/cancellation of the order of bail passed by this Court today.

(Anjana Mishra, J)

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