IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51328 of 2016

Arising Out of PS.Case No. -56 Year- 2016 Thana -MAKHDUMPUR District- JEHANABAD

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1. Raj Malhotra, son of Sagar Paswan, resident of Mohalla- Bairiya, P.S. Gopalpur, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar,
2. The Branch Manager, State Bank of India, Makhdumpur Branch, Jehanabad.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party No.1: Mr. Nawal Kishore Prasad, APP
For the Opposite Party No.2: Mr. Anjani Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 16-02-2017 Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Makhdumpur P.S. Case No.56 of 2016 instituted for the offence under Section(s) 467, 468, 471, 419, 420, and 409 Indian Penal Code pending in the Court of the Chief Judicial Magistrate, Jehanabad.

It is alleged against this petitioner that he fraudulently withdrew rupees forty thousand from the account no.32616118383 of one Raju Kumar from Kchnawa Kiosk Banking Branch, under Makhdumpur Branch, District-Jehanabad.

It has been submitted on behalf of the petitioner that the witnesses in para 46 onwards have stated that the petitioner is innocent. It is further submitted that the petitioner had the power of level-V under which he was entitled to make payment up to rupees two lacs and he made payment on the identification of the account holder by the Kiosk in-charge.

The learned APP has pointed out after looking into the case diary that in para 8 there is specific allegation that this petitioner received rupees forty thousand and the petitioner's name is mentioned in the pay-in-slip. Similar statement has been made by the witnesses in para 9 and 10 that by forging signature of account holder payment has been received by this petitioner.

The account holder Raju Kumar filed case before the District Consumer Forum, Jehanabad, vide Complaint Case No.19 of 2015 alleging that this petitioner fraudulently withdrew money from his account. It is further alleged that the petitioner was entitled to make payment of only rupees ten thousand, but he fraudulently withdraw rupees forty thousand without the knowledge of the Branch Manager and misappropriated the same.

In the facts and circumstances of the case, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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