IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30849 of 2017

Arising Out of P.S.Case No. -97 Year- 2017 Thana -KOTWALI District- PATNA

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Kamta Singh @ Kamta Prasad Singh Son of Late Ramchandra Singh, Resident of House No. A/10, Shiv-Mandir, P.S.- Gardanigagh, Survipath, District-Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Co-operative Bank Ltd. Patna.

.... Opposite Parties

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Appearance :
For the Petitioner : Mr. Surendra Kumar Mishra, Advocate
For the State : Mr. Ahmad Ali, APP
For the Bihar State Cooperative Bank Ltd. Mr. Prashasnt Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 10-07-2017 Heard.

2. The petitioner apprehend arrest in connection with Kotwali P.S.Case No.97 of 2017 pending in the Court of CJM, Patna registered for an offence under Sections 406, 409, 420 and 120(B) of the IPC.

3. The informant happens to be the Branch Manager of Bihar State Cooperative Bank Limited. In his written report, submitted before SHO of Kotwali P.S. has stated that in course of checking the record of the bank, it came to light that on 09.05.2014 an amount of Rs.11,00000/- were not deposited in the bank by the then Branch Manager Mithilesh Kumar Singh and assistant Shashi Bhushan Prasad who were user of I.D. and after twelve days they deposited Rs.10,00000/- and thereby defalcated an amount of Rs.1,00000/-. It has been further alleged that on 24.06.2014 the cheque of Rs.4,00000/- was given to this petitioner Kamta Prasad Singh who was then posted as night guard. This petitioner in connivance with Branch Manager, late Sunil Kumar Sinha and cashier Shashi Bhushan Prasad defalcated the said amount. It has been further alleged that on 11.09.2014 Mithilesh Kumar Singh and Shashi Bhushan Prasad withdrew an amount of Rs.2,00000/-. The said cheque bears signature of cashier only. The aforesaid accused have thus defalcated the money from the account of bank in collusion with each other.

4. The learned counsel for the petitioner submits that the petitioner was a night guard and on the date of withdrawal he withdrew Rs.4,00000/- and deposited the cash amount at 4 P.M. The petitioner honestly served the bank till the date of his retirement, i.e., 31.12.2015 In an internal inquiry the Branch Manager and Assistant were found guilty for alleged defalcation.

5. The learned APP opposed the prayer for anticipatory bail.

6. The petitioner is named in the FIR and specific allegation is that he withdrew an amount of Rs.4,00000/- through cheque and did not deposit in the bank. The copy of statement of account shows that this petitioner on 24.06.2014 withdrew an amount of Rs.4,00000/- which he did not deposit.

7. In view of the above facts, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

(Sanjay Kumar, J)

B.Kr./-

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