

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23381 of 2017

Arising Out of PS.Case No. -529 Year- 2016 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Dr. P.K. Mishra @ Dr. Prabhat Kumar Mishra, Son of Late Jay Narayan Mishra, Resident of Mohalla-Ishakchak, P.S.- Ishakchak, District- Bhagalpur, At presently posted as Senior Manager, UCO Bank, Sultanganj Branch, District- Bhagalpur.
 2. Miss Seema Sinha, Daughter of Sri Upendra Nath Sinha, Resident of Mohalla- Housing Board Colony, Bararai, District- Bhagalpur. The then Assistant Manger of UCO Bank, Sultanganj Branch and at presently posted as Manager, UCO Bank, Bahadurpur Branch, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prof. Arjun Prasad (Retd.), Son of Late D.N. Yadav, Manager, A.K. Gopalan Inter College, Sultanganj, P.S. Sultanganj, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 06-09-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 529 of 2016, registered under Section 420 of the Indian Penal Code and Section 36 AD (1)(a) and (c) of the Banking Regulation Act, 1949.

The allegation of complainant-opposite party no.2, Professor Arjun Prasad, is that three Saving Accounts of A. K. Gopalan Inter College, Sultanganj, Bhagalpur, were opened in



UCO Bank, Sultanganj Branch, in which, petitioners were Senior Manager and Assistant Manager. The complainant-opposite party no. 2 issued three cheques of aforesaid accounts amounting to Rs.1100/-, Rs.2500/- and Rs.5,00,000/- to the three persons for encashment but the same were dishonoured with endorsement that the accounts are freeze.

Learned counsel for the petitioners submits that informant, Dr. Arjun Prasad, is the Manager of A.K. Gopalan Inter College, Sultanganj and three cheques issued by him were not honoured due to circulation of advertisement no. 31/2015 of the Bihar School Examination Board, in view of the resolution nos. 381 dated 09.03.2010 and 1644 dated 14.11.2013 to operate the account of school/college only on the signature of Principal/ Incharge Principal and Senior most teacher of the college/school. Further submission is that the aforesaid advertisement was also challenged by the complainant-opposite party no. 2 through C.W.J.C. No. 11466 of 2015, which is dismissed on 08.03.2016.

Learned counsel for the complainant-opposite party no. 2 submits that the order dated 08.03.2016 passed in C.W.J.C. No. 11466 of 2015 was challenged in the L.P.A., which is disposed of and petition for modification of order is filed by the complainant-opposite party no. 2, which is pending for disposal.



Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) six with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with Complaint Case No. 529 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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