IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4889 of 2017

Arising Out of PS.Case No. -108 Year- 2016 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Heera Kant Thakur, son of Shivanand Thakur, Resident of Village- Chainpur, P.S.- Saharsha Sadar, District- Saharsha.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3/ 07-03-2017 Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Mahnar P.S. Case No.108 of 2016 instituted for the offence under Section(s) 409/34 Indian Penal Code pending in the Court of the Additional Chief Judicial Magistrate, VI, Vaishali at Hajipur.

It is alleged in the written report by the Branch Manager, Vaishali District Co-operative Bank Ltd. that he received complaint from account holder, Deepak Kumar, that an amount of ₹10,11,200/- has been withdrawn from his account and the money has been misappropriated. Thereafter, on the basis of office order of the Managing Director, two members enquiry committee was constituted. The enquiry committee after inspecting the bank statement of 23 depositors found that on various dates in conspiracy with each other the then Branch Manager, Rajendra Prasad Yadav @ Rajendra Rai, clerk, Amod Kumar, and Cashier, Heera Kant Thakur, (petitioner) had fraudulently withdrawn and deposited the money. There was no voucher of aforesaid withdrawal and deposit of the money. The enquiry committee also found that such withdrawal and deposit of the amount was going on for last one year and in that manner the petitioner and other two persons have misappropriated crores of rupees of bank.

Copy of the enquiry report has been annexed as Annexure-3, wherein, the Enquiry Officer found that in conspiracy with the then Branch Manager, Clerk, Amod Kumar, and this petitioner, money has been withdrawn from different accounts and the Clerk, Amod Kumar, has deposited rupees ten lacs in the account of the informant when the management put pressure on him.

Case diary has been received.

The learned APP has pointed out para 2, 4, 5, 6, 7, 8, 9, 12, 13, 76, 78, of case diary, which support the allegation against this petitioner and other accused persons.

In view of such, 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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