# IN THE HIGH COURT OF JUDICATURE AT PATNA
## Criminal Miscellaneous No.29324 of 2017

Arising Out of PS.Case No. -115 Year- 2013 Thana -AADAPUR District-EASTCHAMPARAN(MOTIHARI)

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1. Dharmnath Sah @ Dharmnath Prasad @ Dharma Nath Prasad son of Late Sheoshankar Prasad Ex - Branch Manager, State Bank of India, Shyampur Market Area P.O. and P.S. Adapur, permanent resident of Ashram Road, Raxaul, P.S. - Raxaul, District - East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Sri Surendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

ORAL ORDER

4 08-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Aadapur P.S. Case No. 115 of 2013 instituted for the offence under Sections-406, 420, 409, 467, 468 and 120(B) of the Indian Penal Code.

It is alleged in the written report that the informant is a customer and account holder of State Bank of India, Shyampur Market Branch, Aadapur and his account No. is 32599638919. The account is related to Kisan Credit Card. The informant was brought to the branch office at the time of opening the account by co-accused, Motilal Kushwaha and this petitioner being branch manager of the bank has taken signature of the informant on some paper and assured that within some days, KCC loan will be provided to him. The co-accused Motilal Kushwaha came at the house of the informant and tried to give Rs.

17,000/- to him saying that said money is KCC loan. The informant demanded the passbook and told that without his signature how withdrawal of the amount is made. Then the co-accused Mukesh Kushwaha went away along with money. The informant and his father had gone to bank and asked from this petitioner, who told that there is no any account of the informant in the said Bank. Thereafter, the informant and his father returned to their house. The information has been received from State Bank of India, Patna on 02-04-2013 that the account of the informant is opened in the said Bank and his account No. is 32599638919. The informant went to the bank and received his passbook on 13-05-2013 and found that on 12-10-2012, Rs. 30,000/- and on 27-12-2012 Rs. 25000/- had been withdrawn while on 24-12-2012 Rs. 9000/- was deposited. These transactions have been made by committing forgery by this petitioner with other co-accused Motilal Kushwaha. It is further alleged that the petitioner and other accused have also committed such type of offence with other village persons namely Bijali Ray and Manjay Prasad.

It has been submitted that the petitioner is Branch Manager and it is the duty of field officer to verify and get opened account and withdraw money from the account. It has also been submitted that co-accused Motilal Kushwaha has already been granted privilege of anticipatory bail by a coordinate bench of this court vide order dated 22-05-2015 passed in Cr. Misc. No. 47312 of 2014.

From perusal of order dated 25-05-2015 passed in Cr. Misc.

No. 47312 of 2014, it appears that submission was made that amount was deposited in Bank and was withdrawn from the Bank.

As such, there is specific allegation against this petitioner of committing forgery in the account of the informant.

Therefore, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected.

The petitioner is directed to surrender in the court below and seek regular bail and if the petitioner makes prayer for regular bail, the court below will consider his prayer for regular bail and disposed of the same on its own merit without being prejudiced by this order.

**(Sanjay Priya, J)**

A.K.V./-

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