

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44502 of 2017

Arising Out of PS.Case No. -139 Year- 2017 Thana -MAHESI District- SAHARSA

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1. Sri C. P. Narayan @ Chandeshwar Prasad Narayan Son of Late Sri Ram Sah, Resident of Forbesganj, P.O. and Police Station Forbesganj, District Araria, At present Uttar Bihar Gramin Bank, Branch Mahishi, At & P.S. Mahishi, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Chandra Bose

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Mahishi P.S. Case No. 139 of 2017 instituted for the offence under Sections-420, 406, 419, 120B of the Indian Penal Code.

It has been submitted that he was not Branch Manager at the time when alleged withdrawal was done. He joined in the bank as Branch Manager on 07-10-2014 after being promoted as J.M. Scale I from 01-10-2014.

As per written report, the alleged withdrawal was done from the account in the bank on 07-03-2014 and at the relevant time, Sri Shashidhar Thakur was the Branch Manager and Sanjay Kumar Mishra was cashier. The petitioner had received the notice from the investigating officer to furnish the details as to who had made such



withdrawal and who had defalcated the amount drawn from the account. The petitioner submitted his report vide Annexure-4 giving detail that such withdrawal was made during the period when Shashidhar Thakur was the Branch Manager and Sanjay Kumar Mishra was cashier on 01-07-2014. After receiving direction from the Additional Manger amounts were deposited in the bank by this petitioner. This petitioner got knowledge after receipt of letter dated 28-06-2017 of the BDO.

In this manner, from the written report itself, the money was drawn at the time of the then Branch Manager and as per Annexure-4 after receiving the notice, this petitioner has deposited the amount after adjusting from the accounts as given in detail in Annexure-4.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mahishi P.S. Case No. 139 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Saharsa subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date



fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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