

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36324 of 2017

Arising Out of PS.Case No. -666 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Saroj Tiwary, wife of Late Binod Kumar Tiwary R/o Neem Chauk, Bangla Garh, Ram Bagh Campus, near Dental Sewa Sadan, P.O. - Lalbagh, P.S. - L.N.M.U. District - Darbhanga at present residing at Panna Mill Road, Gurhatta Chauk, P.S. - Mojahidpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sameer Sinha, Cluster Head, Bandhan Bank, Rental Flat No. 158, Kankarbagh Colony, P.S. - Kankarbagh, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

15 08-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Kotwali P.S. Case No. 666 of 2016 instituted for the offence under Sections 420,409,467,468,471,120B of the IPC.

Learned counsel for the petitioner has submitted that this petitioner is the mother of the main accused Priya Manas Tiwary. There is allegation in the written report that Priya Manas Tiwary misappropriated the funds of the Bank and made illegal transfer of the amount in the account of his mother i.e. the petitioner and his wife's account and misused customers deposit accounts and expense account for personal monetary gain.

Learned counsel for the petitioners has submitted that



no specific account number of this petitioner has been mentioned in the written report.

Learned counsel for the Bank has submitted that the internal enquiry report enclosed with the FIR shows that this petitioner has account no. 50160001600857 in Bandhan Bank. He has filed a counter affidavit mentioning in paragraph 17 that aforesaid account was later on modified in the name of Nilima Devi. The said modification was done by user bearing ID No. 102161, which is assigned to Mr. Rabindranath Paul.

Learned counsel for the petitioner has submitted that the aforesaid Rabindranath Paul has not been made accused in the case. The petitioner being mother of Priya Manas Tiwary has been made accused. She is Head Mistress in the Government School. She has no concern with the aforesaid account number. The statement of account has been filed in the counter affidavit wherein it has been mentioned that the aforesaid account number stands in name of Nilima Devi.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of her 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 bonds of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each in connection with Kotwali P.S. Case No. 666 of 2016 to the satisfaction of learned C.J.M., Bhagalpur 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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