IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53595 of 2017

Arising Out of PS. Case No.-543 Year-2014 Thana- KOTWALI District- Patna

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Rajnish Kunal, S/o- Sri Krishandeo Bhaskar R/v- Bank Colony, Indra Nagar, Mithapur, Bigrahpur, P.S.- Jakkanpur, Distt. Patna.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Praveen Kumar S/o Gopal Prasad R/o A-43 Jagat Amarawati Apartment Bailey Road, P.S. Kotwali Dist. Patna at present posted as Regional Manager, East Region (Bihar & Jharkhand) Stock Holding Corporation of India Ltd. 301-305 Ashiana Plaza Budh Marg Patna 800001

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

8 10-04-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends his arrest in Kotwali P.S. case no. 543 of 2014, instituted for the offence under Section(s) 406 and 420 of the Indian Penal Code.

The informant who is the Regional Manager in the Stock Holding Corporation of India Ltd has alleged that the petitioner was appointed by aforesaid Stock Holding Corporation of India Ltd and working since the year 2007 as Executive at Patna Regional office and he was also given the responsibility for handling the account of other branches, namely Patna, Bhagalpur, Muzaffapur and subsequently responsibility of five other branch office has been added, namely Hazaribagh, Jamshedpur, Bokaro, Dhanbad and

Ranchi and on 19th of May, 2014 one Mr. Rajeev Ranjan was transferred to Patna Branch and appointed as a Regional Accountant. This petitioner was well aware of the account of the Branch. He was directed to assist the internal audit for the quarter period ending 30th June, 2014 but the petitioner did not hand over the charge to Mr. Rajeev Ranjan. Mr. Rajeev Ranjan took charge of the account without any formal handing over the charge by Mr. Rajnish Kunal. Thereafter it was detected that this petitioner has transferred an amount of Rs. 50,000/- to his personal account in IDBI Bank and then enquiry was held and ultimately it was found that this petitioner who was always in possession of cheque books of the corporation has forged the signature and illegally and unauthorizedly withdrawn the cash amounting to Rs. 34,00,411/- .

Learned counsel for the petitioner has submitted that one complaint case was also filed after filing of this FIR for bouncing of cheque by the Corporation in which petitioner has been granted bail. In the instant case a counter affidavit has been filed on behalf of the Stock Holding Corporation of India Limited (opposite party no.2) wherein it has been mentioned in para 11 that petitioner vide his letter dated 20.8.14 and during interrogation has himself admitted in his own handwriting that he has withdrawn the company's money from the bank after forging the signature of the authorized signatories on withdrawal slips and cheques. He has also admitted during interrogation that the ill gotten money was spent by him for personal use. It is also mentioned in the counter affidavit that in the departmental enquiry conducted by the company, the petitioner has admitted fraudulent and illegal withdrawal of the company's money after making forged signature of the authorized signatories. The aforesaid document has been enclosed as Annexures B and C to the counter affidavit. It is also mentioned in the counter affidavit that forged signature has been conclusively established and proved by the Lab Forensic Laboratory. The aforesaid report is enclosed as Annexure-A. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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