IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12184 of 2018

Arising Out of PS. Case No.-428 Year-2017 Thana- KHAGARIA District- Khagaria
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Muneshwar Ram

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Viveka NandSingh
For the Opposite Party/s : Mr. DR. INDIWAR KUMARI

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned counsels for the parties.

The petitioner being Branch Manager of Union Bank of India, Jahangira Shovni Branch, Khagaria is apprehending arrest in a case registered for the offences punishable under sections 420,468 and 471/34 of the IPC.

The prosecution case as per the written report of Pramila Devi dated 29.5.2017 submitted to the Superintendent of Police, Khagaria, is to the effect that the informant used to sell toddy prior to the coming into force of the 2016 Prohibition Law but after the coming in force of the new prohibition law, she intended to get loan sanctioned for self-employment, hence approached the petitioner who being Branch Manager asked the informant to talk to broker, Pandav Rajak, who assured her to get the loan sanctioned and took her Aadhar card, I. Card, Rasan card and photographs. Thereafter, said Pandav Rajak called the informant and conveyed that loan has been sanctioned. After some days, Pandav Rajak took signature of the informant on certain papers and gave Rupees Five Thousand and subsequently Rupees Eighteen Thousand. Thereafter, when the informant demanded pass book from the petitioner, which he declined. Subsequently, on 12.12.2016 the informant received a notice with regard to recovery of loan of Rupees Fifty Thousand and thereafter, she obtained details and ultimately filed the present case.

It is submitted by learned counsel for the petitioner that total loan of Rupees Fifty Thousand was sanctioned. The ledger of the bank suggests that the informant withdrew Rupees Thirty Thousand of her own on 23.12.2015 and Rupees Eighteen Thousand on 6.1.2016 but when the informant got notice for recovery, the present case has been maliciously lodged. Moreover, as per the FIR, thrust of accusation is against Pandav Rajak. It is further submitted that for the loan sanctioned in 2015 the FIR has been registered on18.06.2017 when as per own admission of the informant, she received recovery notice on 12.12.2016.

Learned APP, however, submits that the petitioner is alleged to have connived with main accused Pandav Rajak.

Considering the delayed lodging of the FIR and the unresonableness of accusation, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Khagaria in connection with Khagaria (Gangour) P.S. Case No. 428 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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