IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64786 of 2018

Arising Out of PS. Case No.-607 Year-2014 Thana- WEST CHAMPARAN COMPLAINT District- West Champaran

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1. Kaushal Kishore Sinha, S/o Late Ramji Sinha, former Branch Manager, Indian Bank, Bettiah Branch and presently Branch Manager, Domjur Branch, PS- Howrah, Dist- Howrah, West Bengal and residing at Flat No.- 12, Indian Bank Officers Flat, 3 B & C, Ahiri Pukur Road, Kolkata- 700019, permanent address- at- Mathlohiyar, PS- Harsidhi, Dist- East Champaran.
2. Devendra Prasad Singh, Senior Branch Manager, Indian Bank, Bettiah Branch, Supriya Road, Tiwari Bhawan (Near Janta Traders), Post- Bettiah, P.S.- Bettiah Nagar, District- West Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Shakti Nath Jha, S/o Shayam Nandan Jha, R/o Bal Krishna Colony (Near New Bus Stand), PO+PS- Bettiah, Dist- West Champaran.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Dr. Binay Kumar Singh, Advocate
		Mr. Brij Mohan Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP
for the Complainant	:	Mr. Sanjay Kumar No.7, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the complainant.

The petitioners seek pre-arrest bail in connection with Complaint Case No.607-C of 2014 in which cognizance for the offence punishable under Sections 409 and 418 read with 34 of the Indian Penal Code has been taken.

The allegation in the complaint is three fold. Firstly, that the complainant had deposited Rs.5,50,000/- on 20.07.2012 in his account in Indian Bank, but the same was not credited to his account. Secondly, that the accused persons unauthorisedly withdrew Rs.7,11,000/- on 23.06.2012 from his savings bank account and thirdly that in order to provide overdraft facility of Rs.8 lakhs, the bank had taken original sale deeds from the complainant illegally.

Learned counsel for the petitioners submitted that the petitioners have nothing to do with the allegations as disclosed in the complaint petition. The alleged transactions took place during the tenure of accused no.3, Tankadhar Mehar, the then Branch Manager of Indian Bank. As far as the petitioners are concerned, they were not even posted in the branch at the relevant time. The petitioner no.1 had jointed Bettiah Branch on 11.07.2012 after being relieved from Muzaffarpur Branch and took over charge from Mr. Tankadhar Mehar and relieved him from the branch on 31.08.2012. As to the non-credit of Rs.5,50,000/- in Secured Over Draft also, the transaction was between the then Branch Manager in his personal capacity and the complainant. The amount of Rs.5,50,000/- was also handed over to the then Branch Manager. On the complaint of the complainant, the bank initiated a vigilance inquiry and found the accused Tankadhar Mehar guilty of the charges and he has already been dismissed from the service of the bank. After the vigilance report, the petitioner no.1, who had assumed the charge as Branch Manager, on instructions from higher authorities, lodged an FIR against Tankadhar Mehar vide Bettiah Nagar P.S. Case No.194 of 2013 dated 22.03.2013 under sections 420, 409, 467 and 468 of the Indian Penal Code.

Opposing the application for grant of pre-arrest bail to the petitioners, learned counsel for the complainant submitted that the plea advanced on behalf of the petitioners itself shows that there were irregularities in transaction of business in the bank. He contended the petitioners being employees of the bank are also responsible for the alleged act of commission on the part of Tankadhar Mehar.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of six weeks, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, West Champaran at Bettiah in connection with Complaint Case No.607-C of 2014 subject to the conditions as laid down under

Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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