

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33987 of 2018

Arising Out of PS. Case No.-25388 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

Mr. Amitaabh Singh @ Amitaabh, S/o Sri Bimal Prasad Singh, Its havings posted at Zonal Head, ICICI Bank Ltd, Regional Office Plot NO. 2-14, Hira Complex 1st Floor, Zone 1, Mp Nagar, Bhopal, P.S.- Habibganj, Distt.- Bhopal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Geeta Sinha, S/o Atul Kishore, R/o 45, Ajay Nilyan Apartment, Parmanand Path, Nageshwar Colony P.S.- Buddha Colony, District- Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagadeo Choubey
For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 10-12-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 25388(c)/2014 for the offences punishable under Sections 409, 420 and 120(B) of the Indian Penal Code.

The petitioner was at the relevant time was working as Regional Manager of ICICI Bank, Boring Road Branch, Patna. On perusal of the complaint petition it appears that the complainant availed gold loan of Rs.90,000/-. The amount was released to the complainant in lieu of approximately 57 gms. of gold. The complainant has lodged the complaint that she was



issued notice with regard to payment of interest and there was no indication that the Bank will proceed for auction of the gold jewellery.

Learned counsel for the petitioner submits that the complainant has availed the loan on specific terms and conditions prescribed by the Bank and on failure to refund the loan amount with interest the Bank was justified in taking steps for auction. She further submitted that the petitioner Amitaabh Singh @ Amitaabh as Regional Manager of the Bank was obliged to follow the norms and rules prescribed by the Bank and that no crime as alleged in the instant case has been committed by him. Considering the valid direction of the Bank in a transaction between the Bank and the complainant fastening criminal accountability against the petitioner is unsustainable.

Learned counsel for the petitioner further submits that the petitioner is presently working as Deputy General Manager of ICICI Bank, Bhopal and as such he deserves privilege of anticipatory bail in the instant case.

Considering the totality of the fact situation, the Court is inclined to grant anticipatory bail to the petitioner subject to the conditions -

- (a) That the petitioner shall submit co-lateral



security before the court below for a sum of Rs. One
lac; and

(b) the co-lateral security will abide by the final
decision in the instant case.

On furnishing the co-lateral security, the petitioner
named above, in the event of arrest or surrender before the court
below within one month from today, is directed to be released
on bail on furnishing bail bonds of Rs.10,000/- (ten thousand)
with two sureties of the like amount each to the satisfaction of
learned ACJM-cum-Sub Judge XVI, Patna in connection with
Complaint Case No. 25388 of 2014 subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Upadhyay, J)

mrl./-

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