

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33386 of 2018

Arising Out of PS. Case No.-165 Year-2017 Thana- CHAUTHAM District- Khagaria

Dharmraj Kumar S/o Sri Parmeshwar Prasad, R/o Vill.- Gangachak Malkana,
P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mr. Sri Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 31-10-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Chautham P.S. Case No. 165 of 2017 dated 05.09.2017 instituted for the offences under Sections 420, 406, 409/34 of the Indian Penal Code.

The informant has alleged that the petitioner in the capacity of Branch Manager, Co-operative Bank, Chautham, Khagaria obtained the signature on withdrawal paper and transferred Rs. 440000/- in the account of a rice miller viz. Sarvesh Kumar and only an amount of Rs. 145000/- was deposited in the bank account of the concerned PACS. It has been alleged that by this transfer of the loan amount in the personal bank



account of a rice miller, the entire loan amount which was required to be disbursed to the farmers was defalcated. He has also alleged that he has earlier filed a complaint against the branch manager for demanding commission for disbursement of loan.

Learned counsel for the petitioner however has submitted that from the averments made in the FIR itself it would appear that the informant as well as the rice miller are in collusion and it was only with the active support of the informant that the rice miller could manage to have the loan amount transferred in his personal bank account. With respect to the complaint made by the informant before the superior authorities with respect to the petitioner demanding commission amount for disbursal of loan, an enquiry was conducted. In the enquiry, it came to light that no amount was transferred in the bank account of the co-accused/miller/Sarvesh Kumar by the bank.

In fact, the enquiry report as contained in Annexure-9 to the petition clearly reveals that by way of a strategy, the informant who is the PACS president along with the rice miller, got the money withdrawn and defalcated the same. The enquiry report clearly indicates that the petitioner as a branch manager is not to be blamed.



Aforesaid Sarvesh Kumar has been granted anticipatory bail by a Bench of this Court.

Considering the vague nature of allegation against the petitioner in the FIR as well as the enquiry report (Annexure-9), this Court is inclined to grant anticipatory bail to the petitioner.

Let the petitioner above named be directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Khagaria in connection with Chautham P.S. Case No. 165 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

