IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49202 of 2016

Arising Out of PS. Case No.-399 Year-2010 Thana- DEHRI TOWN District- Rohtas

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Daya Nand Pd. Sinha (Retd. Branch Manager) S.B.I. Dalmia Nagar S/o late Dwarika Pd. resident of Dhanosh Bhawan Compound, Laxmi Nikatan, Shameer Takiya, Gaya, P.S. Civil Line, Distt. Gaya.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Sri Bablu Marandi, Branch Manager, SBI, Dalmia Nagar Branch, Rohtas

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Pd. Singh, Sr. Adv.
For the State	:	Mr. Nawal Kishore Pd. APP
For the SBI	:	Mr. Anjani Kumr Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 16-07-2018 Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and the State.

This application under Section 482 Cr.P.C. has been filed for quashing the order dated 28.04. 2016 passed by SDJM, Civil Court Dehri-on-Sone, Rohtas Bihar in Dehri (Dalmia Nagar) Town P.S. case no. 0399 of 2010, G.R. No. 2116 of 2010, Tr. No. 1762 of 2016 by which he has taken cognizance for the offence under Sections 468, 471,420, 406 and 409/34 of the Indian Penal Code against the petitioner and other accused persons.

Learned counsel for the petitioner has submitted that he was Branch Manager of the Bank at the time of sanction of the loan. He was not the sanctioning authority. The power to sanction the loan has been delegated during the relevant time to personal Loan Manager, namely, Quashim Hussain who was posted in the said Bank. He without proper verification of L.I.C. policy/Bonds of two accused named in FIR had sanctioned the loan for car and house. The police has never taken any statement of Personal Loan Manager namely Quashim Hussain.

Learned counsel for the opposite party no.2 has appeared. He has pointed out Clause 6 of the Annexure-2 to the petition wherein it has been clearly mentioned that the powers delegated to FOs/RDOs are less than those of Branch Manager of same grade. Therefore, the loans sanctioned by FOs/RDOs are to be controlled by the Branch Managers of respective branches only, even if the Branch Managers are of the same grade.

The police after investigation submitted charge sheet against this petitioner including the other accused persons.

The allegation in the written report is that two persons have taken loan from S.B.I. Dalmianagar Branch for house construction and for purchasing vehicle. They submitted L.I.C. Bond of Dehri Branch as Security for the loan in the

Branch. It is further alleged that L.I.C. Bond/policy were sent for verification along with surrender certificates. It was found that those L.I.C., bond and surrender certificates were not issued by the L.I.C. Branch at Dehri. It is further alleged that two accused persons have taken loan by depositing forged and fabricated L.I.C. bonds policies in Branch Dehri-on-sone with connivance of petitioner who was Branch Manager of Bank at the relevant time.

The police after investigation submitted charge sheet against this petitioner along with other accused persons because being the Branch officer the petitioner was responsible for sanction of the loan. Loan was sanctioned without proper verification of L.I.C. policy/Bonds.

The Court below, on the basis of materials available in the case diary and the allegation made in the written report, has taken cognizance against this petitioner and other accused persons for the offence under Section 468, 471, 420,406 and 409/34 of the IPC by the impugned order. Therefore, this Court does not find any illegality in the impugned order.

This Cr. Misc. application is, accordingly, dismissed.

The Petitioner is given liberty to raise all the points as raised in the present application at appropriate stage of trial including at the time of framing of charge, which will be considered and disposed off by the learned Court below in accordance with law without being prejudiced by this order .

(Sanjay Priya, J)

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