IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54480 of 2017

Arising Out of PS.Case No. -311 Year- 2017 Thana -KADAMKUAN District- PATNA

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1. Niraj Kumar @ Niraj Kumar Kumar Son of Sri Krishna Prasad Sinha, R/o 4D/4, Veer Kunwar Singh Marg, Behind Krishna Apartment, North S.K. Puri, P.S.- Srikrishnapuri, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prashant Kumar Singh S/o Shri Gauri Shankar Singh, R/o Koriyawa, P.O. Sorampur, P.S.- Janipur, District- Patna (Complainant).

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pravin Kumar
For the Opposite Party/s : Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 02-02-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with Kadamkuan Police Station Case No. 311 of 2017 registered for the offences under sections 467, 468, 469, 471, 406 and 420/34 of the Indian Penal Code.

The above case has been registered on the basis of complaint case under section 156 (3) Cr.PC. The petitioner is Manager of Vijaya Bank. The complainant has alleged that the Bank of this petitioner had sanctioned a loan of Rs.55,00,000/- on 17.12.2015 and issued cheque book to the complainant. At the time of issuing cheque book, the petitioner took 04 cheques from the complainant as security. He obtained signature of the complainant on some forms as well of on said four cheques. The petitioner in collusion with other co-accused transferred Rs.35,00,000/- in favour of the co-accused Sanjay Singh through R.T.G.S. The petitioner got knowledge about the said withdrawal after three months of sanctioning of said loan. The learned counsel for the petitioner submits that the loan was sanctioned on 17.12.2015 and the petitioner withdrew an amount of Rs.15,00,000/- on 24.12.2015 for his business purpose and he came to know about the withdrawal/transfer of Rs.35,00,000/- only after three months.

It has been submitted that the averment made in the complaint case itself creates doubt on the case of complainant. The petitioner transferred Rs.3500000/- in the account of co-accused Sanjay Kumar who is none else than the introducer of the complainant to the said loan account. The amount from the loan account was transferred to the different persons at the instance of the complainant. The petitioner kept mum for about two years of alleged withdrawal/transfer of the said amount from his account and when the Bank started a proceeding for recovery of loan amount, the complainant has lodged this case with false and frivolous allegation only to escape from the liability of payment of loan amount. The allegation of committing fraud, forgery and breach of trust is omnibus and no offence as alleged is made out.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner in the event of arrest or surrender before the learned court below within six weeks 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 7th Sub-Judge-cum-Additional Chief Judicial Magistrate, Patna in connection with Kadamkuan Police Station Case No.311 of 2017, subject to conditions as laid down under section 438(2) Cr.P.C. with further conditions that (1) one of the bailors of the petitioner shall be local person having sufficient immovable property within the jurisdiction of the concerned Court, (2) the petitioner will not induce any witness or tamper with the evidence (3) the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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