# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Criminal Miscellaneous No.26998 of 2018**

Arising Out of PS. Case No.-566 Year-2017 Thana- SUPAUL District- Supaul

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Nathuni Paswan, Son of Late Jharilal Paswan, Resident of Village - Mali Nagar Tharhara, P.S.-Chakmehsi, District -Samastipur.

..... Petitioner/s

Versus

1. The State of Bihar.
2. The Branch Manager, Branch Basbitti of Uttar Bihar Gramin Bank, P.S. + District - Supaul.

..... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar Jha
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary
For the Bank : Mr. Prabhakar Jha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2 03-05-2018 Heard learned counsels for the petitioner, and State and North Bihar Gramin Bank.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 406, 409 and 34 of the IPC.

The prosecution case, as per the written report of Samta Kumari, the Branch Manager of Basbitti Branch of Uttar Bihar Gramin Bank dated 25.09.2017, submitted to the Station House Officer, Supaul Sadar Police Station is to the effect that six forged K.C.C. accounts were opened and between 24.04.2016 to 27.05.2016, Rs. 5,70,000/- had been debited from those accounts and the same had been credited in the account maintained by one Md. Moazzam, in the same branch. Rs. 32,916/- were illegally withdrawn from 32 different accounts and credited in the aforesaid account of Md. Moazzam. Further, Rs. 7788/- were debited from 17 accounts and credited in the account of Md. Moazzam. All the aforesaid transactions were made by using the User ID of co-accused Dinesh Singh and the petitioner, who were the then Manager and Assistant of the said branch.

It is submitted by learned counsel for the petitioner that all the amounts, which were transferred to the account of Md. Moazzam, have been deposited by Md. Moazzam and considering the same, Md. Moazzam has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 60863 of 2017, whereas the then Branch Manager, Dinesh Singh has also been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 6457 of 2018. The case of the petitioner is on better footing than the case of the then Branch Manager, Dinesh Singh. The petitioner has already retired from service. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the Uttar Bihar Gramin Bank submits that in connivance with the petitioner, forgery was committed in the bank.

Considering the fact that thrust of accusation is against Md. Moazzam and the case of the petitioner is on better footing than the case of the then Branch Manager and both have been granted anticipatory bail, moreover, the petitioner has already retired from service, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 566 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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