

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70275 of 2018

Arising Out of PS. Case No.-135 Year-2016 Thana- LADANIA District- Madhubani

Ram Jiwan Chaudhary, S/o Late Narayan Chaudhary, resident of village
Pakari Pakohi, P.S. Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Branch Manager, Punjab National Bank, Ladania Branch, District
Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Sakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 19-12-2018 Heard the learned counsel for the parties.

This application for anticipatory bail arises out of
Ladaniya P.S. Case No.135 of 2016 (G.R. No. 2251 of 2016),
disclosing offences under Sections 409 and 420 of the Indian
Penal Code.

The petitioner has retired as Branch Manager under
Punjab National Bank. It is alleged that the persons accused in
the case misappropriated huge amount by getting transferred
amount from various heads of the bank to individual accounts
and got them withdrawn for their own benefit.

Learned counsel for the petitioner has drawn my
attention to an order dated 07.07.2018 passed by learned



Additional Sessions Judge-VI, Madhubani, whereby his application for anticipatory bail was rejected to submit that even the Public Prosecutor had submitted before the Court below that the petitioner was not the Incharge Branch Manager of the bank when the occurrence had taken place.

Learned counsel appearing on behalf of the Bank, on the other hand, has submitted that the petitioner has actively participated in fraudulent withdrawal of the bank money as “maker and chequer” of the transaction. He accordingly submits that he does not deserve privilege of anticipatory bail. The First Information Report was registered in 2016. It is stated at the bar that suit has been filed for recovery of the amount against co-accused Sanjay Singh, who was at the relevant point of time, working as Cashier of the Bank for recovery of the amount defalcated and no disciplinary or other action has been initiated by the bank against this petitioner or even his successor.

Considering the above submission, this application is allowed. Let the petitioner above-named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned Additional Chief Judicial Magistrate-IV, Madhubani in Ladania P.S. Case No.135 of 2016 (G.R. No. 2251 of 2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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