

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4221 of 2019

Arising Out of PS. Case No.-762 Year-2018 Thana- SHEKHPURA District- Sheikhpura

Prakash Prasad, son of Shri Shyam Sundar Pd. Resident of Village and P.O.-
Ner, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar Gramin Bank, Branch Kaithawan District- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Sahi, Senior Advocate Mr. Praveen Kumar, Advocate
For the State	:	Mr. Mithilesh Kumar Khare, APP-108
For the Bank	:	Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 04-07-2019 This is an application for grant of anticipatory bail in connection with Sheikhpura P.S. Case No. 762 of 2018, disclosing offences under Sections 406, 409, 420, 467, 468, 471, 120B of IPC.

Allegation against the petitioner, who happens to be the Branch Manager of Bihar Gramin Bank, Kaithawan, District Sheikhpura that in between the period of 07.08.2017 to 06.08.2018, he in collusion with the office assistants Amit Kumar and Vikash Kumar, the guarantor of Grahak Seva Kendra Gunhesha, who has got Rs. 32,95,3000/- withdrawn by using of Micro ATM and further allegation is that without having signature of consumer Bibha Kumari, he withdrawn the amount of Rs.42,000/-.



Submission of the learned counsel for the petitioner is that so far as allegation of without having signatures or thumb impression of Bibha Kumari is concerned, she has herself appeared and stated that she had not signed on the application and so far as other allegation is concerned, the investigation disclosed that the amounts have been transferred to the account of Vikash Kumar, the Coordinator of Grahak Seva Kendra Gunhesha and as such, he has falsely been implicated in this case.

Heard learned A.P.P. as well as learned counsel appearing on behalf of Bihar Gramin Bank, who has submitted that withdrawal or transfer the amount is not possible without using the password, the Aadhar Card of the cardholder and without locking the same, as such same has been done in collusion with Vikash Kumar and other persons and Vikash Kumar has admitted his guilt.

Having heard both sides, in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner may move before the learned court below for regular bail which will be considered by the learned court below on its own merit, and if possible, be disposed of on the same day.



With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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