

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5712 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- PALI District- Jehanabad

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Bipin Kumar (M) aged 54 years, Son of Chaturbhuj Ojha at present posted as Branch Manager Paroo Branch, Punjab National Bank, P.S. Paroo, District- Muzaffarpur, Resident of village and Post- Khabra, P.S. Muzaffarpur Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Singh, Adv
For the State	:	Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2019 Heard learned Counsels for the petitioner and

learned APP for the State.

The petitioner, being the Branch Manager of Punjab National Bank, Kako Branch, Jehanabad is apprehending arrest, in a case registered for the offences punishable under Sections 420 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Punia Devi submitted to SHO, Pali Police Station, Jehanabad is to the effect that from the bank account of the informant in Punjab National Bank, Kako Branch, amount of Rs.20,000/- has been withdrawn on two different dates i.e., on 07.12.2017 and 31.01.2018. It is further alleged that co-accused, Ram Pravesh Kumar had kept the passbook of the informant to get the Adhar



number linked with Bank Account, thereafter when the passbook was returned, she found on updating the passbook that the amount of Rs.20,000/- has been withdrawn.

It is submitted by learned counsel for the petitioner that the accusation has been levelled after six months of the alleged withdrawal of the amount. It is further submitted that Branch Manager of the Bank has no role to play in the said withdrawal because the cheque is entrusted to the clearing officer and after verification of the signature of the account holder, the amount is withdrawn. Moreover, the account no. given by by informant in the FIR does not exist in the Branch in question. It is further submitted that the informant has entered into a compromise with co-accused Ram Pravesh Kumar, who has already been granted bail by the learned court below. A statement to that effect has been made in the paragraph no.11 of the petition, which reads as follows:-

“11.That from perusal of the case record it has come that the co-accused has already been granted anticipatory bail by the Koko Police on the basis of oral direction of the learned court below in persuance of Sec. 41(A) of he Cr.P.C. which in mentioned in para 82 of the case diary.”

A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



It is submitted by learned APP for the State that in collusion with the petitioner the money was withdrawn.

Considering the fact that the thrust of accusation has been levelled against co-accused Ram Pravesh Kumar and with whom the informant has entered into a compromise, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **1st Class Judicial Magistrate, Jahanabad** in connection with **Pali P.S. Case No.39 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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