

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3198 of 2019

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Nagendra Pandey, Son of Ram Pravesh Pandey, Resident of Village-Salakhuan, P.O. Aphar, District- Saran at Chapra, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Govt. of Bihar, Patna
3. The Chairman State Bank of India, Mumbai Corporate Centre, State Bank Bhawan, Madam Cama Road, Nariman Point, Mumbai, Maharashtra
4. The General Manager, State Bank of India, Patna
5. The Regional General Manager, State Bank of India, Bankipur, Patna , Main Branch, Patna
6. The Branch Manager, State Bank of India, Krishi Vikash Shakha, Chapra, Saran at Chapra.
7. The Superintendent of Police, Sitamarhi, Bihar
8. The Superintendent of Police, Saran at Chapra, Bihar,
9. The Officer-In-Charge, Bheldi, Saran at Chapra
10. The Deputy Superintendent of Police, Sadar, Sitamarhi, Bihar
11. The Officer-in-Charge, Runi Saidpur, Police Station Sitamarhi, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Akhileshwar Pandey, Adv.
For the State	:	Dr. Mankeshwar Tiwari, AC to AAG-3
For the Bank	:	Mr.Alok Kumar Choudhary, Adv.
		Mr. Kulanand Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-06-2019 Petitioner, in the present case, has moved this Court primarily seeking a direction to the State Bank of India, ADB Chapra to remove the hold on saving bank account maintained in the said branch and reopen the account for transaction. Petitioner claims that he is a retired personnel and getting his pension from his erstwhile employer Railway Protection Force



in the said very account. In paragraph 14 of the writ application, a statement has been made that the petitioner is getting his pension through this account which has been kept on hold by the bank due to which petitioner is not getting his retiral pension and is facing hardship for livelihood of his family members.

A further prayer has been made to direct the Superintendent of Police, Sitamarhi and officer in-charge of Runi Saidpur police station for proper investigation of the police case. So far as this prayer is concerned, this Court sitting in its jurisdiction dealing with the roster allotted to it cannot exercise its jurisdiction to grant the said relief. It is, however, open for the petitioner to file an appropriate writ application seeking such direction to the police authorities.

A counter affidavit has been filed on behalf of the bank. It is stated in paragraph 4 of the counter affidavit that on 31.10.2018 a sum of Rs.25000/- and Rs.40000/- had been credited in the account of the petitioner from the account of one Vijay Kumar Singh through the ATM card of Vijay Kumar Singh and on the same day amount was withdrawn. The said Vijay Kumar Singh has lodged a complaint alleging that there has been fraudulent transaction from his account. On the complaint lodged by said Vijay Kumar Singh, the police sub-



inspector, Runni Saidur has vide letter dated 05.11.2018 instructed the branch manager to put on hold the account of the petitioner. It is thus stated that in view of the instruction received from the assistant sub-inspector account in question has already been put on hold up to the limit of Rs.1,50,000/-. In paragraph 10 of the counter affidavit it has however been stated that considering the grievance of the petitioner the branch manager, ADB, Chapra branch has advised to the branch manager, Runni Saidpur branch to review the put on hold petitioner's account and on the advice of the ADB Chapra branch, the branch manager, Runni Saidpur has reduced the hold amount from Rs.1,50,000/- to Rs.65,000/-. It is further stated that on 07.05.2019 the petitioner has withdrawn a sum of Rs.65,000/- from his account through cheque.

From the materials available on the record, it is apparent that the account of the petitioner has been put on hold in view of the pending criminal case on the direction issued by the sub-inspector of police. During the pendency of the writ application, Runni Saidpur branch has reviewed the holding and reduced the hold amount to Rs.65,000/- which according to this Court is a reasonable view taken by the bank as it has to protect the amount in dispute. The petitioner has also withdrawn a sum



of Rs.65,000/- on 07.05.2019, therefore, he is now in a position to withdraw his pensionary benefits from his account and for that purpose the grievance of the petitioner has to be taken as redressed.

So far as putting the account on hold up to the limit of Rs.65,000/- is concerned, it seems just and proper to direct the Superintendent of Police, Sitamarhi as also the Superintendent of Police, Saran at Chapra to review the position and consider the desirability of putting the account on hold any more. Let such consideration be given within two months from the date of receipt/production of a copy of this order.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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