IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11962 of 2019

Arising Out of PS. Case No.-84 Year-2018 Thana- PAUTHU District- Aurangabad

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ANJU KUMAR, Son of Mahipat Ram, Resident of Village - Shivnath Bigha, P.S.- Madanpur, Distt.- Aurangabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Yugal Kishore
For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned APP representing the State.

Petitioner is seeking anticipatory bail in connection with Pauthu P.S. Case No. 84 of 2018 registered for the offences punishable under Sections 420, 406 and 409 of the Indian Penal Code.

The allegation against the petitioner is that while he was working as Manager of Allahabad Bank, Barahi Bazar Branch between 15.06.2015 to 21.08.2017, on 13.04.2017 he transferred Rs.40,000/- from one lien bank account to the account of customer Gautam Kumar. Further he transferred Rs.2,00,000/- in the account of customer Mithilesh Agricultural Centre. In this manner, he did various transactions in different accounts without permission of the higher authorities and in this way he had transferred altogether Rs.3, 93, 726/- fraudulently. It is alleged that this fact came to the knowledge of the bank staff, thereafter the petitioner paid Rs.3,65,000/- and Rs.28,726/- still lies with him and, therefore, he indulged in misappropriation of the amount of Rs.28,726/-.

It is the submission of learned counsel for the petitioner that amount of Rs.28,726/- is the TDS amount of the petitioner himself so it is his own amount and in such circumstance it cannot be said to be a case of misappropriation.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner. It is his submission that the petitioner being a Bank manager was placed in position of trust imposed upon him by the customers and the bank management, but he indulged in different fraudulent transactions which is a serious matter. It is stated that only because after detection of fraud, the petitioner had deposited a sum of Rs.3,65,000/- it will not confer upon him any right to get the anticipatory bail from this Court.

Considering the facts and circumstances of the case and the admitted fact that this petitioner had himself deposited Rs.3,65,000/- after detection of the alleged fraud, I am not inclined to grant anticipatory bail to the petitioner. His prayer is refused.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of six weeks from today, the same shall be considered on its own merit and on the basis of the materials available on the record without being prejudiced by the order of this Court. The prayer for regular bail shall not be rejected only because this Court has refused to grant anticipatory bail to the petitioner. It may be an independent exercise by the court below.

(Rajeev Ranjan Prasad, J)

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