IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31016 of 2019

Arising Out of PS. Case No.-567 Year-2014 Thana- GAYA COMPLAINT CASE District-Gaya

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Dilip Kumar Sinha, Aged about 60 years, Male, Son of Late Jagdish Narayan Singh, Resident of Mohalla Tilha Mahabir Asthan, Near Dropati Bhawan, P.S. + P.O. Gaya, District Gaya.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjay Kumar @ Manu
For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-05-2019 Heard both sides.

Petitioner apprehends his arrest in Complaint Case No.567 of 2014, corresponding to Trial No.1079 of 2017, registered under Sections 420 and 504 of the Indian Penal Code.

The complainant in sum and substance alleged that the petitioner had taken loan of Rs.22 lacs from Bank of Baroda, Makhlaut Ganj, Gaya for business but he invested some amount in construction of his house. The complainant approached Sanjeev Kumar Jha, Anup Kumar Sinha, Dilip Kumar Sinha, who are the bank officials and Shailesh Kumar Sinha @ Munna for grant of home loan of Rs.15 lacs. The complainant further alleged that on 24.12.2012, 18.01.2013 and 21.03.2013, the accused no.4, namely, Shailesh Kumar Sinha @ Munna has withdrawn Rs.2,00,000/-, Rs.60,000/- and Rs.95,000/- in collusion with other bank officials for sanctioning home loan to the complainant.

Learned counsel for the petitioner submits that the petitioner is a Bank Clerk and there is no material to show that the petitioner ever withdrew any amount from the loan account of the complainant. The complainant issued the cheques in the name of different persons who withdrew the amount from the account of the complainant. It is further submitted that the learned Additional Sessions Judge-VII, Gaya while granting bail to Anup Kumar Sinha, the then Credit Manager, Bank of Baroda took note of the facts that the complainant issued Cheque No. '523110' of Rs.2,00,000/- and the same was issued in the name of Sri Ram Bajaj for business purpose. Cheque No. '523119' of Rs.60,000/- was issued by the complainant to Shailesh Kumar Sinha, his business partner and Cheque No. '523138' of Rs. 95,000/- was also issued by the complainant in favour of Shailesh Kumar Sinha. Cheque Nos. '523140' and '523141' of Rs.1,40,000/- have been withdrawn by the complainant himself on 12.04.2013 and 15.04.2013. No cheque was issued in favour of any of the bank officials but the learned Additional Sessions Judge-VII, Gaya for the reasons best known to him while disposing of the anticipatory bail petition of the petitioner did not consider the facts aforesaid and rejected the prayer for anticipatory bail of the petitioner.

From the facts it appears that the petitioner is also one of the Clerk of the Bank of Baroda, Makhlaut Ganj, Gaya and the complainant did not make any specific allegation that the petitioner withdrew any amount from the account of the complainant on any cheque. The complainant has not made any allegation that he made payment of any money to the petitioner.

Considering the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIIth, Gaya in connection with Complaint Case No.567 of 2014, corresponding to Trial No.1079 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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