

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38965 of 2019

Arising Out of PS. Case No.-254 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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NANDU RAM, Son of Dukhi Ram, Resident of Village - Miyapur, P.S.-
Rahui, Dist.- Nalanda, Presently Resident of Mohalla- Ramraj Nagar, Ward
no.7, Korma Road, Aurangabad, P.S.- and Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv.

Mr. Arya Achint, Adv.

Ms. Swati Sinha, Adv.

For the Opposite Party/s :Mr.Parmeshwar Mehta, APP

For the Central Cooperative Bank, Aurangabad: Mr. Surendra Prasad Singh,
Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and learned
APP for State as well as learned counsel representing the Bank.

The petitioner in this case is seeking anticipatory bail
in connection with Town P.S. Case No.254 of 2018 registered
for the offences punishable under Sections 420, 409 and 120(B)
of the Indian Penal Code.

Learned counsel for the petitioner submits that this
petitioner happened to be the informant of the case. At the
relevant time, he was posted in the branch as Manager of the
bank. It is the allegation against the petitioner that he was
involved in allowing a withdrawal of Rs.58,90,463/- to the



PACS in collusion and in consult with the co-accused Abhiram Prasad and Ramashish Yadav.

Learned counsel for the petitioner submits that there is no material to implicate the petitioner in the present case, however, learned counsel for the Bank as well as learned APP for the State have opposed the prayer for anticipatory bail of the petitioner by pointing out to the materials collected by the investigating officer which are mentioned in paragraphs 25, 26 and 27 of the case diary.

Learned APP for the State has submitted that on perusal of these paragraphs it will appear that a three men committee which was headed by the enquiry officer Amresh Kumar Pathak had in course of verification of the records found that during the period 2008-09 and in the year 2010 through different journal vouchers a sum of Rs.58,90,463/- have been paid to the PACS through their bank account. It is pointed out that the materials have also come in course of investigation that vouchers were interfered with, manipulated and this person happened to be the custodian of the vouchers and, therefore, his connivance has been found in the commission of the alleged occurrence.

In the given facts and circumstances of the case



considering the nature of allegations and the role of the petitioner which has surfaced in course of the investigation, this Court is not willing to extend the privilege of anticipatory bail to the petitioner.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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