

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45797 of 2019

Arising Out of PS. Case No.-62 Year-2011 Thana- BAGHA District- West Champaran

VIJAY KUMAR MISHRA @ V. K. MISHRA Son of Late Ramchandra Mishra Resident of Village - and P.S.- Mithanpura Near Tiwari Dairy Mushari, dist.- Muzaffarpur (Ex. Bank Manager, Central Bank Branch - Narayanapur Bagaha -2), P.S.- Bagaha Patjauli, dist.- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Noor Hasan Ansari Son of Nabi Ansari, Resident of Village - Basgaon, P.S.- Laukariya, Dist.- west Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 20-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bagaha (Patajauli) P.S. Case NO. 62 of 2011, disclosing offences under Sections 406,420 & 120B of the Indian Penal Code.

A supplementary affidavit has been filed on behalf of the petitioner in compliance of the previous order, which is there on record.

There is allegation that the informant and others were duped by certain persons claiming to be acting on behalf of the Narayanpur Central Bank by assuring them of providing loan. Allegedly, they were made to sign certain papers for sanction of loan. Allegedly, the loan amount was



sanctioned but was fraudulently withdrawn from the Bank, which was not received by the informant and others. The informant could learn about withdrawal of the loan amount only after they were noticed by the Bank for repayment.

Learned senior counsel appearing on behalf of the petitioner has submitted that the FIR had been lodged on 16.02.2011 and the time of occurrence has been referred to as ten months prior to the lodging of the FIR. He submits that the petitioner was posted as Branch Manager of the Bank from 14.05.2007 to 20.01.2010. He was, thus, not posted as the Branch Manager of the Bank, ten months before the lodging of the FIR, rather he was posted there much before that. He has further submitted that the petitioner was not named in the FIR, rather Branch Manager, Central Bank, Narayanpur has been made accused in the FIR by his designation and on that basis a warrant of arrest has been obtained by the police in 2018 because of which he apprehends arrest.

Considering the facts and circumstances of the case, a case for grant of anticipatory bail is made out. This application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released 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 ACJM-I, Bagaha, West



Champaran in Bagaha (Patjauli) P.S. Case No. 62 of 2011,
subject to the conditions as laid down under Section 438(2)
of the Code of Criminal Procedure.

This is subject to the condition that the petitioner
shall present himself before the Police/Court, as the case
may be, as and when required and in the event of failure
on his part to appear before the Court on two consecutive
occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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