**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.50154 of 2019**

Arising Out of PS. Case No.-35 Year-2019 Thana- NOWKOTHI GARHPURA District- Begusarai

======================================================

Satyajit Kumar, Son of Sri Yatindra Kumar Singh, Resident of Behind Puja Floor Mill, Near St. Michal School, P.O.+P.S.- Digha, District- Patna.

... ... Petitioner

Versus

1. The State of Bihar
2. Dakshin Bihar Gramin Bank through its Branch Manager, Pahsara Branch, District- Begusarai, Bihar

... ... Opposite Parties

======================================================

**Appearance :**

| | | |
|---|---|---|
| For the Petitioner/s | : | Mr.Ramakant Sharma, Sr. Advocate |
| | | Mr. Rakesh Kumar Sharma, Advocate |
| For the Bank | : | Mr. Ranjeet Kr. Pandey, Advocate |
| For the Opposite Party/s | : | Mr.Prem Kumar Jha, A.P.P. |

======================================================

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL ORDER

3 21-10-2019 Heard learned Senior Counsel for the petitioner and learned counsel for the Bank as well as learned A.P.P. for the State.

Petitioner in the present case is seeking anticipatory bail in connection with Nawkothi P.S. Case No. 35 of 2019 registered for the offences punishable under Sections 409, 420, 468, 467, 465 and 120(B)/34 of the Indian Penal Code.

In the First Information Report lodged by the Branch Manager, South Bihar Gramin Bank, Pahsara, it is alleged that in course of general inspection of the Branch between 07.01.2019 and 18.01.2019 and thereafter special inspection conducted between 12.02.2019 and 18.02.2019 when the loan records of the loanees were examined it was found that some land possession certificates which were submitted by the borrowers/loanees had not been duly verified. It was incumbent upon the Branch Manager of the Bank to necessarily verify the land possession certificates before sanction of loan but when in course of inspection the land possession certificates in question were verified from the Circle Officer Nawkothi, the Circle Officer vide his different letters informed that those land possession certificates had not been issued from the Circle office. It is further alleged that when the Chief Officer of the Bank along with the officer of the branch jointly went to verify the loanees on their residential address it was found that at least six loanees were not of the address mentioned in the loan accounts of his account. Two loanees namely Sushila Devi and Sri Surendra Mahto did not acknowledge that they had received the loan amount. Thus, the inspecting officers took a view that all the six loan accounts were fake.

It is alleged that this petitioner was the Branch Manager at the relevant time and had sanctioned the loan of those 57 borrowers whose land possession certificates and the addresses were found to be fake and had indulged in financial irregularities and illegalities by not adhering to the rules of the Bank. The allegation is that the petitioner had indulged in criminal conspiracy and by accepting the fabricated document had misappropriated the Bank's amount and thereby the Bank had suffered a loss of Rs. 1,02,76,858.10/-

Learned Senior Counsel for the petitioner submits that the allegations against the petitioner are not correct. It is submitted that this petitioner was heading the branch office with only three men power and it was not possible for him to physically verify each and every land possession certificate from the office of the Circle Officer. Learned Senior Counsel submits that out of one thousand sanctions in only 57 loan accounts the land possession certificates are said to be forged. He has relied upon the verification done by the I.O. who has certified that at least 05 land possession certificates were matched with the records of the Circle Officer but 50 certificates could not be matched and those were taken to be forged. Learned Senior Counsel submits that it was not the responsibility of the Branch Manager to get it verified as there is no such provision under the scheme. It is further submitted that all those loan accounts are still good and only after lodging the F.I.R. the accounts have been declared NPA.

On the other hand, learned counsel for the Bank has opposed the prayer for anticipatory bail of the petitioner. It is submitted that this petitioner being the Branch Manager had sanctioned one thousand loans. It was his duty to verify the land possession certificates as all those certificates had been issued from the same circle office and those could have been verified by referring to the Circle Officer for verification. Learned counsel for the Bank submits that in paragraph '11' of the application the petitioner has himself taken a stand that he had done due verification of the L.P.C., therefore, the contention of the learned Senior Counsel for the petitioner that the petitioner was not responsible to verify the land possession certificates under the scheme has no basis.

Learned A.P.P. for the State has also opposed the prayer for anticipatory bail. It is submitted that in paragraph 26, 27 and 28 of the case diary the I.O. has recorded the statement of Surendra Kumar, Sushila Devi and Vishnudeo Mahto who have stated that they had not availed the loan and in fact in their name fake accounts have been opened.

Considering the facts and circumstances of this case, wherein this petitioner is said to be the Branch Manager of the Gramin bank and had sanctioned more than one thousand loans out of which at least 57 loan accounts which in course of verification by I.O. has been taken as 50 loan accounts in which the land possession certificates have been found to be forged one and those were not issued by the Circle Officer and further that in course of inspection it has come that at least six loan accounts were found to be fake and the persons in whose name accounts were opened either they were not residing on the address mentioned in the loan account or had denied availing the loan facilities and in paragraph 26, 27 and 28 the I.O. has recorded the statement of the three borrowers who have stated that in their name fake accounts have been opened and money has been withdrawn, in the nature of the allegations, this Court is of the considered opinion that the petitioner does not deserve privilege of anticipatory bail.

The application is dismissed.

In case, petitioner surrenders in the court below and prays for regular bail within a period of four weeks from today, the same shall be considered on its own merit without being prejudiced of the order of this Court.

**(Rajeev Ranjan Prasad, J)**

vats/ved

| | | | |
|---|---|---|---|
| **U** | | T | |