

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48831 of 2018

Arising Out of PS. Case No.-112 Year-2018 Thana- GOH District- Aurangabad

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Nawal Kishore Prasad Gupta, Son of Late Ramrup Pd. Gupta, Resident of
Village Ram Nagar, Jehanabad, P.S.+District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Regional Officer MADhya Bihar Gramin Bank Regional Office,
Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 09-01-2019 Heard learned counsel for the petitioner, learned

counsel representing the Madhya Bihar Gramin Bank and

learned counsel representing the State.

The petitioner apprehends his arrest in connection
with Goh P.S. Case No.112 of 2018 registered for the offenses
punishable under Sections 406, 409, 420 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner has retired from service on 18.07.2016 and the alleged
misappropriation from the three Government accounts were
done by the then Branch Manager, Sri P.K. Dwivedi and in
connivance with Sri Mrinal Ranjan of the cashier posted in the
Branch. Learned counsel submits that there was no active



participation of the petitioner in the fraudulent withdrawal of money.

On the other hand, learned counsel representing the Madhya Bihar Gramin Bank submits that during the period 6.6.2015 and 14.10.2015 when the fraudulent withdrawals took place, this petitioner happened to be Branch Manager and the preliminary report dated 13.03.2018 submitted by the then Manager of the Bank of the Aurangabad Branch which is part of the FIR would show that the main user of this petitioner was involved in the verification work of the voucher. It is pointed out in paragraph 7 to 13 of the report. It has been revealed that this petitioner's signature was there on the cheque and the withdrawal slip was verified through the user of this petitioner. It is thus submitted that the petitioner does not deserve the privilege of anticipatory bail.

Learned counsel for the State has supported the submissions of the Bank.

In the given facts and circumstances of the case, on going through the report of the Enquiry Officer-cum-Chief Manager of the Aurangabad Branch, this Court finds that the name of this petitioner has transpired at various places in the report showing that the withdrawal slips were verified through



his user and the main user system of this petitioner was involved in the verification work and the cheques were also found with the signature of this petitioner, this Court is, thus, not inclined to grant privilege of anticipatory bail to the petitioner. In case the petitioner surrender in the Court below within a period of four weeks from today and prays for regular bail, his prayer shall be considered without being prejudiced by the order of this Court.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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