

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21888 of 2020

Arising Out of P.S. Case No.377 Year-2019 Thana-Taraiya District-Saran

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Munindar Kumar Srivastava @ Munindar Kumar, aged about 50 years, Male,
S/o- Late Ram Manohar Lal, resident of village- Narayanpur, P.S.- Taraiya,
District- Saran at present Branch Manager, Punjab National Bank, Gandhi
Chowk, Chapara Town, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mrs. Namrata Mishra, Adv. Mr. Ratnakar Jha, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the informant	:	Mr. Sanjay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-07-2020 Filing through email of the present application has

been accepted in view of the out-break of COVID-19 Pandemic

and has been posted before me for hearing through video

conferencing.

The application is apparently not in accordance with

the provisions prescribed under the Patna High Court Rules,

which do not contemplate filing of application through email.

In spite of that, considering the extra-ordinary situation, filing of

the present application has been allowed through email.



Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

Heard Mrs. Namrata Mishra, learned counsel for the petitioner, Mr. Akhileshwar Dayal, learned Additional Public Prosecutor for the State and Mr. Sanjay Kumar Singh, learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with Taraiya P. S. Case No. 377 of 2019 registered under Sections 420 and 506/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that for the same set of allegation the informant Mukesh Kumar has also filed a complaint case in the court of Chief Judicial Magistrate, Saran vide complaint case no. 3906 of 2019. In the said complaint, learned Chief Judicial Magistrate called for a report from the Branch Manager, Punjab National Bank, Narayanpur, Saran. The Branch Manager submitted his enquiry report on 06.02.2020 wherein he has stated that at the request of the informant Rs.1,93,000/- was transferred in the account of wholesale dealer Kundan Kumar and with a wrong intention the case has been lodged against the petitioner and others. He has drawn my attention towards the enquiry report, as contained in



Annexure-3 to the present application. He contended that no case under Section 420 and 506 read with 34 of the Indian Penal Code is made out. The case has been instituted with an oblique motive as there was dispute between the informant and co-accused Vikash Kumar Singh.

Learned Additional Public Prosecutor appearing for the State being assisted by learned counsel for the informant vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He contended that the informant is an unemployed person and with a view to take loan, he contacted the petitioner, the then Branch Manager of Punjab National Bank, who advised him to meet and hand over all the related documents to co-accused Vikash Kumar Singh. A sum of Rs.16,000/- was debited from the account of the informant. Thereafter, the informant contacted the petitioner, who stated that amount was debited as interest of Rs.2 lakh. But no loan was sanctioned in his name. Accused Vikash Kumar Singh stated that the loan of Rs.2 lakh was sanctioned in his name and the amount was transferred from his account to the account of one Kundan Kumar and the accused Vikash Kumar Singh has withdrawn the money by cheque. He contended that the omission and commission on the part of the petitioner disentitles him from



grant of pre-arrest bail.

In reply, learned counsel appearing for the petitioner submitted that in fact there is a dispute between the informant and co-accused Vikash Kumar Singh. The amount was transferred to the account of Kundan Kumar Singh at the request of the informant, which would be apparent from the report, as contained in Annexure-3 to the present application.

Be that as it may, considering the nature of allegation, submissions advanced on behalf of the parties and the fact that the petitioner being a Branch Manager of Punjab National Bank has got roots in the society and is not likely to abscond or tamper with the evidence, he is directed to be released on bail, in the event of his arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Taraiya P. S. Case No. 377 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since, there is a State wide lockdown, the Court has considered it appropriate to adopt the following procedure for communication of the present order :-

- (i) The order, which has been dictated during the course



of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.

- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Ratnakar Jha, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Senior Secretary for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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