IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27075 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- ISUAPUR District- Saran

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KAMESHWAR SINGH S/o Krishna Singh R/o Village- Chhota Telpa, P.S.- Chapra Town, District- Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar, Adv.

For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 18-12-2020 Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Isuapur P.S. Case No. 40 of 2020 registered for the offence punishable under Sections 420/409 of the Indian Penal Code.

The allegation levelled by the informant, namely, Mohbit Shankar, posted as Branch Manager of Uttar Bihar Gramin Bank, Isuapur Branch, is that upon audit, it has transpired that a sum of Rs. 13.78/- lakhs approximately has been misappropriated during the period 07.11.2019 to 17.12.2019. It has also been alleged that as far as the petitioner is concerned, he was posted in the Isuapur Branch as clerk cum cashier from 01.11.2011 to 04.10.2014 along with other staffs of the Bank and he in collusion with the other staff members of the Bank has also misappropriated huge sums of money since the year 2013 to 2019.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has submitted that the FIR has been lodged in the year 2020 though the misappropriation is alleged to be pertaining to the year, 2013 and onwards while the petitioner was posted as clerk cum cashier. It is submitted that the allegations have been levelled merely on suspicion and the fact is that even if the audit report is seen, allegation has been levelled regarding there being discrepancy of a sum of Rs.

73,000/- and in fact, the show cause dated 31.01.2020 issued to the petitioner (Annexure-2 to the present petition) also depicts the amount of money said to have been embezzled to be to the tune of Rs. 73,000/- and in fact, the petitioner herein, to show his bonafide, has immediately deposited a sum of Rs. 74,088/- with the Bank on 30.01.2020, as is apparent from Annexure-3 to the present petition, nonetheless, the present FIR has been lodged against the petitioner as well on 07.03.2020. Lastly, the learned counsel for the petitioner has submitted that even the then Branch Manager, Sri Sudip Kumar Mitra, who is an accused in the present case, has been granted bail by a coordinate Bench of this Court vide order dated 16.10.2020 passed in Criminal Miscellaneous No. 23818 of 2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that there is allegation of embezzlement of a sum of Rs. 73,000/-, as against the petitioner herein and the petitioner is stated to have deposited a sum of Rs. 74,088/- much before the lodging of the FIR to show his bonafides, hence, benefit of doubt can be given to the petitioner for the purposes of grant of anticipatory bail, especially considering the fact that similarly situated co-accused person has already been granted the privilege of anticipatory bail, thus, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Saran at Chapra in connection with Isuapur P.S.Case No. 40 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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