IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17856 of 2021

Arising Out of PS. Case No.-514 Year-2020 Thana- SHERGHATI District- Gaya

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Ravindra Nath Pathak, S/o Late Rajeshwari Nath Pathak, R/o Mohalla-Pathaktoli, Sherghati, P.S.- Sherghati, District- Gaya.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 24-07-2021 Heard Mr. Yogesh Chandra Verma, the learned Senior Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Sherghati P.S. Case No. 514 of 2020, instituted for the offences under Sections 409 and 420(B) of the Indian Penal Code.

The present Branch Manager of Sherghati Branch of Magadh Central Co-operative Bank Ltd. has lodged the F.I.R. alleging that during the check period of 2009-2012, while the petitioner was posted as the Branch Manager of the said Branch, Rs. 10,07,500/- was disbursed as loan on fictitious and forged certificates/documents. He was assisted by the then serving Cashier of the Bank.

It has been submitted on behalf of the petitioner that an absolutely false case has been filed against him. The informant has not verified the details and has lodged this case in hot-haste. The check period for the offence is 2009-2012. The petitioner had joined the concerned Branch of the Bank in the month of March, 2012 and superannuated from that posting in the year 2017. Thus, for all practical purposes, the check period would fall only for nine months of the tenure of the petitioner as Branch Manager on the said post. During this period, very few loans were disbursed and the petitioner had no wherewithals to know whether the KCC certificates were fictitious.

It has further been submitted that the Loan Verification Block Co-operative Extension Officer was responsible for verifying the land as well as the agreement. Certificates of guarantors with respect to the disbursement of loans was also taken. Whatever documents were brought before the petitioner in his capacity as Branch Manager, he did not have any means to identify that any fraud was committed in making the list of beneficiaries who were to be given such loans.

Regard being had to the fact that very few number of loans were disbursed during the check period when the petitioner had officiated as the Branch Manager of that branch and that he has now superannuated, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Gaya in connection with Sherghati P.S. Case No. 514 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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