

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31683 of 2020

Arising Out of PS. Case No.-127 Year-2018 Thana- SHEOHAR District- Sheohar

Harimohan Chaudhary, aged about 66 years, (M), Son of Ram Padarath Chaudhary, Resident of Village - Rajepur (Maniyari), P.S.- Suppi, District - Sitamarhi the then Branch Manager, Uttar Bihar Gramin Bank, Dumari Katsari presently Fatahpur, Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the State : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Devendra Kumar, learned counsel for the petitioner and Mr. Sunil Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Sheohar PS Case No. 127 of 2018 dated 08.06.2018, instituted under Sections 406/420 of the Indian Penal Code.

3. The allegation against the petitioner, who was the Branch Manager of Uttar Bihar Gramin Bank, Dumri Katsari, is that when the complainant had come to the Bank for payment of Rs. 50,000/- under *Indira Awas Yojana* her LTI was taken and she was told to come with the Ward Member and next day it was



found that the Ward Member has taken money and the petitioner did not get the same.

4. Learned counsel for the petitioner submitted that he is the Branch Manager and has no direct dealing with regard to payment which is done by the Cashier concerned. It was submitted that he has been implicated only to exert pressure as he was the head of the Branch at the relevant point of time. Learned counsel submitted that the incident is said to have occurred on 16.05.2013 whereas the complaint was filed on 22.10.2016, that is, after almost three and a half years for which there is no explanation. It was further submitted that even the same has been converted into FIR under Section 156 (3) of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') on 08.06.2018. It was submitted that there is one other case against the petitioner of the same police station of the same nature. Learned counsel submitted that later on the said Ward Member who is alleged to have taken the money has also compromised the matter with the informant.

5. Learned APP submitted that the petitioner being the Branch Manager is supposed to be aware of how and to whom payments are being made.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in Sheohar PS Case No. 127 of 2018, subject to the conditions laid down in Section 438(2) of the Code and further, (i) that one of the bailors shall be a close relative of the petitioner, and (ii) the petitioner shall co-operate with the Court and prosecution/police. Failure to co-operate shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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