

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33320 of 2020

Arising Out of PS. Case No.-128 Year-2018 Thana- SHEOHAR District- Sheohar

Harimohan Chaudhary, S/o 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 Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-03-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the office,
within four weeks of starting of the Court proceeding in
physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Sheohar P.S. Case No. 128 of 2018, registered under
Sections 406 and 420 of the Indian Penal Code.

The accusation is that complainant-informant,
Kamrul Nisha, to take benefit under the scheme of Indira Awas
Yojana opened the account no. 1030012653 at Uttar Bihar
Gramin Bank, Branch Dumri Katsari, in which, Rs.50,000/- was



transferred under the Indira Awas Yojana. On 01.07.2013, the complainant-informant, Kamrul Nisha, went at the said Bank for withdrawing the money then the Branch Manager (petitioner) refused to give the money saying that unless and until the ward member shall not become guarantor, the money will not be paid then she returned to her house. On 04.07.2013, she went with Md. Harun, Ward Member, at the Bank and filled up the withdraw slip, on which, she put her thumb impression and Md. Harun, Ward Member also put his signature as a guarantor. Thereafter, the Branch Manager (petitioner) asked her to come tomorrow due to non availability of amount then on next day, when the complainant-informant reached at the Bank then Branch Manager (petitioner) informed that Md. Harun, Ward Member, had taken the money. When she made demand of money from Md. Harun, Ward Member, then he did not taken any heed. Thereafter, she gave an application for inquiry to the Collector then Md. Harun admitted to receive the aforesaid money and ready to return the same but later on, Md. Harun refused and became adamant and cause assault to her.

Learned counsel for the petitioner submits that, in fact, petitioner was the Branch Manager of Uttar Bihar Gramin Bank, Branch Dumri Katsari at the time of alleged occurrence



and he has retired from the service before six years. In fact, petitioner being the Branch Manager had no duty to provide the cash to the account holder on submitting the withdrawal form rather the same is the duty of cashier. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar, in connection with Sheohar P.S. Case No. 128 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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