

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34514 of 2020

Arising Out of PS Case No.-60 Year-2019 Thana- LAKHISARAI District- Lakhisarai

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Bipin Kumar, aged about 59 years, Male son of Chunchun Singh, Resident of Village- Lodiya, PS Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate with Mr. Binod Murari Mishra, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Krishna Prasad Singh, learned senior counsel along with Mr. Binod Murari Mishra, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Lakhisarai PS Case No. 60 of 2019 dated 21.01.2019, instituted under Section 409 of the Indian Penal Code.

4. The allegation against the petitioner is that he in the capacity of being the Branch Manager of Munger Jamui Central Co-operative Bank Limited at the relevant point of time had given



loan without making proper KYC and no original documents were taken of the mortgaged property at the time of giving loan and only photo copy of the same was kept and further that in a mechanical manner ignoring the terms and conditions of the Bank, he had given loan to the interested persons resulting in loss to the Bank as the accounts were never satisfied.

5. Learned counsel for the petitioner submitted that he had done his job properly and many of the loanees have also returned the money. It was submitted that out of 22 persons, 12 persons have liquidated the loan and with regard to others also, they have undertaken to do so within a fixed period of time. In this connection, learned counsel drew the attention of the Court to the chart given by the Branch Manager to the Investigating Officer of the case dated 07.05.2021. Learned counsel further submitted that the allegations are misplaced and erroneous and further that even the basis of the FIR, which is the inquiry report, no opportunity was given to the petitioner to be the part of the inquiry. Learned counsel submitted that non-recovery of loan and declaration of NPA does not constitute any offence and the Branch Manager cannot be held responsible.

6. Learned APP submitted that the Court had called for a report from the Superintendent of Police, Lakhisarai who has



reported that the Bank has given details of the loanees but all of them cannot be verified due to lock-down as the persons could not be located. However, it has been stated that 12 persons have liquidated the loan. Learned counsel submitted that the petitioner cannot take the plea that he had identified the borrowers properly for the reason that while sanctioning the loan amount, the collaterals were not properly taken, especially the original documents of the mortgaged property. It was submitted that had the same been done, the said properties could have been auctioned and recovery made but in the absence of the same, the Bank is now left with having to notice the guarantors and that too, it is uncertain whether the guarantors are real and also whether they are in a position to pay. It was submitted that all this has been done without following the procedure prescribed and taking due precaution, as is required of a Branch Manager at the time of sanctioning of loan. Learned counsel submitted that such matters involving public money needs to be taken seriously note of and in the present case, the petitioner does not deserve the privilege of anticipatory bail. Learned counsel submitted that the petitioner is also accused in three other cases including those under Sections 302, 420, 409 as well as 504/506 of the Indian Penal Code among other sections of the years 2008, 2015 and 2016.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the petition stands dismissed.

9. Interim protection given to the petitioner under order dated 13.04.2021, stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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