

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37140 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- TARAIIYA District- Saran

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Munindra Kumar Srivastava @ Munindra Kumar, Male aged about 56 years,
Son of Late Ram Manohar Lal, Resident of near Girls School Janipur PS
Pupari District- Sitamarhi (Ex Branch Manager), Punjab National Bank,
Narayanpur, PS Saraiya, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate
For the State : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 31-08-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Namrata Mishra, learned counsel for the petitioner and Mr. Arun Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Taraiya PS Case No. 31 of 2020 dated 29.01.2020, instituted under Sections 420/506/34 of the Indian Penal Code.

4. In the FIR, the informant, Ravi Ranjan Kumar Singh, has alleged that he had contacted the petitioner, who was the then Branch Manager of Punjab National Bank, Narayanpur



Branch, Taraiya (hereinafter referred to as the 'Bank') for getting loan and was asked to meet and hand over all the relevant documents to co-accused Vikash Kumar Singh. Thereafter, one Mukesh Kumar is said to have told the informant that co-accused Vikash Kumar Singh had transferred the sanctioned loan amount of Rs.2,00,000/- from the loan account of the petitioner to the account of co-accused Kundan Kumar and thereafter the petitioner received a notice by the Bank for recovery of money and when co-accused Vikash Kumar Singh was contacted by the informant he admitted that he had taken money and agreed to return the loan amount with interest.

5. Learned counsel for the petitioner submitted that he being the Branch Manager of the Bank had no direct role in the transaction. It was submitted that the petitioner had sanctioned the loan to the informant under the *Pradhan Mantri Mudra Yojana* and it was for his telecom/mobile business. He submitted that on the written advice/request of the informant, the amount was credited into the account of co-accused Kundan Kumar, who had supplied certain articles to the informant. Learned counsel submitted that based on such request by the informant himself, the amount of Rs. 1,99,000/- was given to one Kundan



Kumar, in support of which, learned counsel drew the attention of the Court to Annexure-8 of the third supplementary affidavit, though technically the same stands withdrawn. Learned counsel submitted that the informant has compromised the matter with Kundan Kumar and a joint compromise petition has been filed by Kundan Kumar, the informant and co-accused Vikash Kumar Singh, copy of which has been made Annexure-6 to the supplementary affidavit filed on behalf of the petitioner which has been affirmed on 20.07.2021.

6. Learned APP submitted that the petitioner being the Branch Manager of the Bank was responsible for such transfer being made from the loan account of the informant to Kundan Kumar. However, he could not controvert the compromise between the parties as well as the receipt showing payment, as per the request of the informant himself, which have been brought on record.

7. 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 Additional Chief Judicial Magistrate 1st, Chapra in Taraiya PS Case No. 31 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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