IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9450 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- SITAMARHI District- Sitamarhi

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MANISH KUMAR @ MANISH MADHAV S/o Late Hari Narayan Prasad Resident of Shankar Chawk, Ward No.-3, P.S.- Dumera, District- Sitamarhi.

... ... Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Tripurari Sharan Branch Manager Bank of India Kot Bazar Branch Sitamarhi

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP
Ms. Dilkash Khan, CBI
Mr. Ajit Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 15-12-2022 Heard learned counsel for the petitioner, learned APP for the State and learned counsel appearing for the Bank.

Learned counsel appearing for the Bank submits that a counter-affidavit has been filed and from perusal of the same it manifests that the informant had taken loan from the bank and the account has not been settled, on account of which a certificate case has been filed against the informant of the case, it is also submitted the informant in order to coerce, the Bank Authority has filed the present false case.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420 and 406/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 14.02.2021, at about 06:00 a.m., the petitioner alleged to be recovery agent of Bank of India along with the Branch Manager Tripurari Sharan of the said bank along with the police officials came at the shop of the informant and without disclosing any reason carried him and locked him in Sitamarhi Police Station. Thereafter, informant's father came to the police station and wanted to know about the reason for arrest of his son on which petitioner informed that informant had taken loan of Rs.3,00,000/- from the Bank of India Branch, Kot Bazar and an auction case is pending for the same and the warrant has also been issued and he also offered that if 50 per cent of the total amount is deposited, he would be released. Thereafter, the informant talked to the Branch Manager, Bank of India, Kot Bazar Branch on phone and he stated to follow what the recovery agent had asked to do. It is alleged that the informant informed the Branch Manager that he had already deposited Rs.1,51,608.24/-, as such, not much is due. Thereafter, his father paid Rs.1,59,000/- to the petitioner on which the petitioner assured that he will deposit the money online and will come with recall order, thereafter petitioner came and got the informant released from the lock-up but the said money was not deposited, accordingly, informant complained to the Superintendent of Police and thereafter petitioner deposited only Rs.30,000/- and misappropriated Rs.1,29,000/-.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the petitioner is not the recovery agent of Bank of India and, thus, is completely unaware that as to why the informant is falsely implicating him. He further submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant very clearly alleges that this petitioner along with the Branch Manager of the concerned bank was present and in whose presence the informant was taken into police custody and released only after intervention of the petitioner. Learned counsel, thus, submits that it was the Branch Manager of the bank who was present there and not the petitioner as petitioner has nothing to do with Bank of India. Learned counsel also submits that as far as allegation of receiving Rs.1,59,000/- from the father of the informant is concerned, the same is false and fabricated as petitioner never received any amount from the father of the informant. He next submits that it absolutely does not stand to reason that why the petitioner would deposit

Rs.30,000/- online in the account of the informant in the bank when he had not taken the said amount.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sitamarhi P.S. Case No. 175 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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