

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33097 of 2020

Arising Out of PS. Case No.-217 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

LAKSHMI KANT RASTOGI @ LAXMIKANT RASTOGI Son of Late Brij bala Mohan Rastogi Resident of Village - Sakari, P.O.- Sakari, P.S.- Kudra Kaimur (Bhabhua), Bihar- 821108

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitin Kumar Choudhary S/o Sri Om Prakash Choudhary, Chief Manager, Punjab National Bank, Kudra Branch, Distt. Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Alok Ranjan, Advocate
For the State	:	Mr.Ajay Kumar No.2, APP
For the Bank	:	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 23-02-2022 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the Bank.

The petitioner is apprehending his arrest in connection with Kudra P.S. case No.217 of 2020 registered under Sections 406, 420, 409 of the Indian Penal Code.

Allegation is that in place of Rs.8 lacs, Rs.80/- lacs were transferred in the account of the petitioner by the Bank and when the Bank demanded back the money, the petitioner did not return.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. It has further been submitted that the Bank had credited Rs.80 lacs in the account of the



petitioner in place of Rs.8 lacs. Hence Rs.72 lacs was credited in excess in the account of the petitioner. Said amount has already been returned back by the petitioner to the Bank. Said transaction was made at the instance of the Bank and no mischief was played by the petitioner. Counsel for the Bank also admits that the excess amount credited in the account of the petitioner has already been returned by the petitioner to the Bank.

On behalf of the State and learned counsel for the Bank, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 learned A.C.J.M. VI, Bhabhua in connection with Kudra P.S. case No.217 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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