

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57175 of 2021**

Arising Out of PS. Case No.-466 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Joseph Abraham Hansda, S/O Late Silas Hansda Resident Of Duumaria, P.S.-
Palajori, Distt.- Deoghar Jharkhand. The Then Branch Manager Bihar Gramin
Bank, Branch Khalifabag, Bhagalpur

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate Mr. Pravin Kumar Sinha- Advocate
For the Opposite Party/s :		Mr. Chandra Bhushan Prasad- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 07-07-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 406
and 420 of the Indian Penal Code.

The learned senior counsel for the petitioner submits
that the petitioner is a person with clean antecedent and the
informant alleges that he is posted since 07.03.2018 as Branch
Manager before him, the petitioner was posted as Scale-III
Branch Manager, Bihar Gramin Bank, Khalifabagh Branch. It is
next alleged that while petitioner was posted there, one
customer namely, Nirmal Kumar Jha had two joint accounts



with his wife in which Rs.6,50,000/- was deposited by way of fixed deposit. It is next alleged that the said customer on 15.02.2019 instituted a complaint in the bank alleging that interest of December, 2018 had not been deposited in his account. On inquiry, it was found that the petitioner had forged the signature and document of Nirmal Kumar Jha and sanctioned a loan of Rs.5,00,000/- from the customer account as detailed in the F.I.R.

The learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. From bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that he is posted in the bank since 07.03.2018 and the customer Nirmal Kumar Jha, who had filed a complaint alleges that he had not received the interest of the December, 2018 in his fixed deposit account which he had with his wife. It is next submitted that admittedly, the petitioner was not posted when the aforesaid complaint was made. It is also submitted that it is the informant, who was posted with the Branch on 07.03.2018, as such, in between 07.03.2018 to December, 2018, it was the informant who was the Branch Manager, and in between 07.03.2018 to November, 2018, no complaint was made by Nirmal Kumar Jha with regard



to interest in his account, but the complaint came to be made on 15.02.2019 alleging that he has not received interest on his account for the month of December, 2018. This amply demonstrates that petitioner after he was relieved from the said bank came to be implicated by the informant.

The learned senior counsel next submits that from perusal of the complaint made by Nirmal Kumar Jha as would be evident from Page-17 of the anticipatory bail application, it would manifest that he has only made a complaint that he is not receiving the interest on his SB Account as detailed in his representation. It is also submitted that the informant while instituting the F.I.R. must have examined the documents and then, would have come to a considered conclusion that he had not received the interest of December, 2018, as such, he alleged in the F.I.R. that Nirmal Kumar Jha did not receive his interest for the month of December, 2018. It is thus submitted that the entire inquiry which might have been conducted was conducted behind the back of the petitioner and the petitioner came to be implicated falsely in the present case without giving him any opportunity to explain.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned



senior counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhagalpur Kotwali P. S. Case No.466 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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