

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4437 of 2021

Arising Out of PS. Case No.-302 Year-2020 Thana- ROSERA District- Samastipur

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GOPAL PRASAD SINGH S/o Late Tej Nrayan Singh R/o village- Arraha
Mithai Bazar, P.S. and District- Madhepura, at present Mohalla- Bara Pathar,
Ward No. 14, P.S.- Town, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 24-01-2022 Heard the parties including learned counsel appearing
on the Samastipur District Central Co-operative Bank Limited
(for short 'the Bank') through video conferencing.

The petitioner apprehends his arrest in connection
with Rosera P.S. Case No. 302/2020 registered for the offences
punishable under Sections 188/34/409 of the Indian Penal
Code.

This peculiar prosecution has been launched by the
Bank without verification of the documents of the Bank and
without getting any detail and people are being harassed.

It is submitted by learned counsel for the petitioner
that the petitioner has retired 4 ½ years ago and he has no role to
play in the occurrence. Moreover, he is not in a position to
produce any document in his support because now everything is



in the hands of the present Branch Manager.

Considering the aforesaid submission and also the fact that some co-accused have already been granted anticipatory bail and in view of the fact that this case is based on documents, the petitioner cannot be denied anticipatory bail when the prosecution has not been able to point out accusation, the present anticipatory bail application is allowed.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of ten weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Rosera, Samastipur, in connection with Rosera P.S. Case No. 302/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The Branch Manager of the Bank is directed to trace all the documents and supply it to the police after getting proper details of the alleged defalcated amount and / or whether any amount has been defalcated or not, the petitioner may be accused of some irregularities, but that cannot be given colour of criminality. Before launching criminal prosecution, the Bank officials are required to verify from the records that any criminal



offence has been committed or not by their Ex-employee or present employee and just to save their own skin, they should not launch this half-baked prosecution and put burden on the state mechanisms.

In the aforesaid circumstances, Samastipur Central Co-operative Bank Limited is imposed a cost of Rupees Ten Thousand (Rs. 10,000/-) which shall be deposited in the Victim Compensation Fund.

With the aforesaid observation and direction, this application for grant of anticipatory bail is allowed.

(Sandeep Kumar, J)

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