

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58754 of 2021**

Arising Out of PS. Case No.-96 Year-2021 Thana- SAKURABAD District- Jehanabad

PAWAN KUMAR S/O RAJESHWAR PRASAD R/o village- Sikandarpur,
P.S.- Shakurabad, District- Jehanabad

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ravindra Sharma S/o Shree Nanak Mistry R/o village- Sikandarpur, P.S.-
Shakurabad, District- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.
	:	Mr. Sanjay Kumar Jha, Advocate
	:	Mr. K.M. Joseph, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 14-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant, learned counsel appearing on behalf
of the Bank and learned A.P.P. for the State.

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

The informant alleges that on 30.09.2019, he received
a notice from the Bank that in his account Rs. 1,85,691.83/- as a
loan has been received. Accordingly, the informant went to the
Bank and made inquiry and found that petitioner had withdrawn
Rs. 1,40,000/- in the name of the informant by committing
forgery, it is next alleged that even the petitioner before the



informant confessed the fact that he had withdrawn the amount and even agreed to repay the due amount to the informant but the same has not been paid till date.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of the FIR it would manifest that the occurrence took place in between 2017-2019 but the FIR came to be instituted on 15.06.2021 that is after more than one and a half years from 2019. Learned counsel next submits that petitioner was a daily wager in the bank and he came to be implicated as he was a soft target when it appears that it was the manager of the bank and other officials of the bank who in connivance with each other committed the occurrence, it is next submitted that against the Branch Manager Shakurabad P.S. Case No. 74 of 2018 also stands instituted (Annexure-3 to the anticipatory bail application). Learned counsel further submits that it absolutely does not stand to reason that a person against whom an FIR has been instituted how could he has been given the responsibility of the Branch in question again, it is also submitted that no doubt it has come during the course of investigation that the money was credited in the account of the petitioner which was



withdrawn from the account of the informant but then no prudent person or criminal would commit an occurrence and thus creates evidence against himself, it is further submitted that the money was credited in the account of the petitioner that in itself demonstrates the innocence of the petitioner. Learned counsel next submits that if petitioner had any intention of committing an occurrence then definitely he would not have transferred the money in his account and thus would have created evidence against himself, it is next submitted that the Branch Manager of the Bank later on the pretext that money has been wrongly transferred in his account got the same withdrawn and the petitioner being a daily wager had no option but to obey the command of his superior.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that no person who intends to commit an occurrence would commit the occurrence in such a manner that he creates evidence against himself.

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 Shakurabad P.S. Case No. 96 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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