IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6335 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- SHERGHATI District- Gaya

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RAVINDRA NATH PATHAK Son of Rajeshwari Nath Pathak Resident of Village - Pathaktoli, Sherghati, P.S.- Sherghati, Distt.- Gaya.

... ... Petitioner/s

Versus

1. The State of Bihar Bihar
2. Branch Manager, Magadh Central Cooperative Bank Ltd. Head officer Gaya 82001 Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.P.K.Shahi, Sr. Advocate Mr.Sanjiv Kr. Mishra, Advocate Ms/Mrs. M. Sharma, Advocate
For the Bank	:	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

10 27-09-2022 Heard learned counsel for the petitioner, State and the Bank.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 409, 420, 34 of the Indian Penal Code.

Prosecution case is that petitioner, being I/C Manager of Sherghati Branch of the Magadh Central Cooperative Bank Ltd. Gaya, in league with other accused persons, defalcated Rs. 79,78,166.49. All the amount has been withdrawn using the ID of the petitioner.

Learned counsel for the petitioner submits that the

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petitioner is innocent and has falsely been implicated in this case on suspicion. Between 2009-2012 loan was disbursed on the basis of fake Land Possessions Certificate four loan has been disbursed during the period of petitioner and as incharge Branch Manager and five loans had been disbursed while the petitioner has been working as cashier cum Assistant. One of the co-accused Javed Hussain, the then Assistant, sent a letter to the Managing Director of the Bank to the effect that he along with said Sunil Kumar was responsible for misappropriation of Rs. 64,31,880 since Javed Hussain was not in India he informed vide letter dated 17.03.2020 that on return he would deposit the said amount. As such petitioner cannot be held responsible for the alleged misappropriation. Similarly situated co-accused Sunil Kumar has already been allowed pre-arrest bail by a co-ordinate bench of this Court vide Annexure 3.

Learned counsel for the Bank opposes the prayer for bail. He submits that as per the FIR petitioner is also one of the accused persons who in league with other accused persons defalcated the aforesaid money. Transactions have been made using the ID of the petitioner. As such he cannot escape responsibility.

Considering the aforesaid facts of the case as well as

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the fact that similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court, most of the defalcated amount has been deposited or are likely to be deposited and petitioner undertakes that he would cooperate in the trial, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate Gaya in Sherghati Police Station Case No. 132 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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