IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62448 of 2021

Arising Out of PS. Case No.-477 Year-2020 Thana- SAKRA District- Muzaffarpur

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Nawnit Kumar S/O Arun Choudhary R/O Village-Bachhwara, P.S-Bachhwara, District-Begusarai, Ex.-BRANCH Manager, Uttar Bihar Gramin Bank Bariyapur Kandh Branch, Muzaffarpur.

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 12264 of 2021

Arising Out of PS. Case No.-477 Year-2020 Thana- SAKRA District- Muzaffarpur

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Deepak Kumar Sihgh S/O Markandey Singh Resident Of Village And Post-Jamurana, P.S.- Ramgarh, District- Kaimur.

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, Uttar Bihar Gramin Bank (UbGB Bank), Branch Bariyarpur Kandth, P.S.- Sakara, District- Muzaffarpur.

... ... Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 62448 of 2021)

For the Petitioner/s	:	Mr. Dr. Kamal Deo Sharma
		Mr. Umesh Kumar Sharma
For the Opposite Party/s	:	Mr. Jagdhar Prasad
		Mr. Shailendra Prasad
		Mr. Satyanand Sharma

(In CRIMINAL MISCELLANEOUS No. 12264 of 2021)

For the Petitioner/s	:	Mr.Ravi Ranjan
		Mr. Jitendra Kumar Shrivastava
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal
		Mr. Satyanand Sharma
		Mr. Shailendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

9 01-12-2022 Heard learned counsel for the petitioners, informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 409, 420, 467, 468, 120(B)/34 of the Indian Penal Code.

It is alleged against the petitioners that the petitioners along with other bank officials have misappropriated Rs. 22 lakhs in conspiracy with each other which was also confirmed by the Special Audit Team.

It is submitted by learned counsel for the petitioners that petitioner/Nawnit Kumar was posted as Branch Manager. He was entrusted with the task of internal audit for the year 2020 of Bariyarpur Branch of North Bihar Gramin Bank and when he reported about massive irregularities in the functioning of the bank, he was, in a curious and retaliatory manner, foisted with the charge of embezzlement of an amount of Rs. 22,07,326/-. The show-cause was issued to the petitioner/Nawnit Kumar by the General Manager, Uttar

Bihar Gramin Bank and he was asked to explain about various irregularities committed by him while working as Branch Manager. The petitioner, in reply to the show cause had asked relevant documents claiming his involvement in the embezzlement of money but the said documents had not been provided to the petitioner/Nawnit Kumar. The petitioner joined as Branch Manager on 16.08.2013 and hold the post till 24.05.2018. The Audit Team audited the said bank each and every year but it did not find any irregularities against the petitioner and when the petitioner himself pointed out several irregularities, this false case has been registered against him.

It is alleged against the petitioner/Deepak Kumar Singh that he allowed payment of Rs. 93,000/- in favour of one Mahendra Rai, who, according to the records of the auditors, is a fictitious person.

It is submitted on behalf of petitioner/Deepak Kumar Singh that at the relevant time, he was only a probationer posted in the bank and in the account of aforesaid Mahendra Rai, prior to his having allowed the payment, two transactions had been made crediting money in that account from two different branches of the bank. Thus, for all practical purposes, he had no wherewithal to determine whether aforesaid Mahendra Rai was a fictitious person or that account was fraudulently opened in his name. It is further submitted that signature and photograph of the account holder is not uploaded in the system and it is being kept by the Branch Manager, particularly with regard to KCC account. So far as the account in the name of Mahendra Rai is concerned, it is of maximum limit of Rs. 1 lakh and just one day before the payment made by the petitioner, Rs. 44,000 and Rs. 49,000/- was deposited in the name and account of Mahendra Rai from different branches, as such, the subsequent payment cannot be said to be doubtful. Moreover, as per own averment of the informant, the irregularities had been allegedly continuing much before the joining of the petitioner in the branch.

Learned counsel appearing on behalf of the Bank has vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that in the preliminary investigation, fraud and embezzlement in the branch in question was found and the petitioners and other officials of the bank were held responsible for embezzlement of Rs. 22,07,326.03/- and after full fledged Departmental Enquiry, the petitioner/Nawnit Kumar has been dismissed from the service.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/Additional Chief Judicial Magistrate-XII-cum-

Sub-Judge-IV, Muzaffarpur in connection with Sakra (Bariyarpur O.P) P.S. Case No. 477 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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