**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.64601 of 2021**

Arising Out of PS. Case No.-20 Year-2016 Thana- GORAUL District- Vaishali

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LAKSHMI RAM Son of Bisheshwar Ram Resident of Village - Shanti nagar, Dumra, P.S.- Dumra, Distt.- Sitamarhi.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr.Yashraj Bardhan
For the Opposite Party/s : Mr.Anant Kumar 1

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**
ORAL ORDER

2 12-07-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 420 and some other allied Sections of the Indian Penal Code.

As per the prosecution case, on 02.04.2014 one term deposit receipt No. 33763278317 of Rs. 7,30,000/- was issued in the name of one customer, Anil Kumar Sah, mentioning the maturity dated 02.07.2015. It is further alleged that under a conspiracy, Anil Kumar Sah got duplicate copy issued of the said term deposit and then availed a loan of Rs. 5,80,000/- on 20.05.2014 and subsequently Anil Kumar Sah represented before the bank on 16.11.2015 that the said term deposit may be adjusted towards the loan amount and rest of amount may be transferred in his account. It is further alleged that in the light of application the loan amount was adjusted towards the term deposit and rest of the amount was transferred to his savings account and later on the amount was withdrawn. Subsequently, on 07.01.2016 the Excise Superintendent, Vaishali requested payment of the said term deposit and Anil Kumar Sah with dishonest intention and conspiracy defalcated total amount of Rs. 8,22,854/-.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. Petitioner at the relevant time was posted as Accountant in the concerned branch of SBI and he had no role to play in pledging of the term deposit and issuance of loan towards the said deposit as well as in its adjustment. It is next submitted that no loan amount is issued without approval and verification at the level of Assistant Manager and the Accountant has no role to play in such action. It is submitted that petitioner is not the beneficiary rather the beneficiary is Anil Kumar Sah, who availed the loan amount. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that petitioner is named in the FIR and he actively participated in the alleged commission of forgery. Moreover, petitioner is absconding for more than five years and there is no explanation for the same.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Singh, J)**

BKS/-

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