

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3710 of 2023**

Arising Out of PS. Case No.-91 Year-2017 Thana- CHAUTHAM District- Khagaria

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Bhawesh Kumar Khan @ Bhavesh Kumar Khan Son Of Late Padmanand
Khan The Then Branch Manager, S.B.I., A.D.B. Baluahi, Khagaria R/V-
Bangaon P.S.- Bangaon District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 21-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for
grant of regular bail in connection with Chautham P.S. Case No.
91 of 2017 registered under sections 420, 406, 409, 120B, 467,
468, 471 and 34 of the Indian Penal Code.

Prosecution case in short, is that, co-accused Kavita
Devi took Rs. 3,000/- from the informant and other persons on
the pretext of sanctioning KCC loan and she said that she has
good relation with some persons, who had good acquaintance
with the bank employees and obtained their signature/thumb
impression on withdrawal forms and other documents. After
someday ATM started coming and passbook also provided by



bank. When they got their passbook for updating, then they came to know that Rs. 95,000/- has been withdrawn from their passbooks. It is further alleged that about Rs. 1-2 crores have been embezzled by the accused persons at the instance of having sanctioned fraudulent loans under the KCC scheme.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted from paras- 13 and 14 of this petition that as per the norms of the sanction of the KCC loan is that the customer apply for the KCC loans before the Field Officer and after verification of documents and pre-sanction survey, he recommends for sanction before the Branch Manager and thereafter the Branch Manager sanctions the loan, except this routine work, the Branch Manager has no role in issuing of KCC loan. Primary responsibility of verification, PSS and loan issuance lies with the Field Officer. The field officer is the only authorized person and custodian of the said loan and he on time to time verifies the process of withdrawal of the loan amount. It is pertinent to mention here that the Field Officers of the said bank who are named in F.I.R. have already been granted anticipatory bail by the different co-ordinate Bench of this Court which is apparent



from para-86 of the case diary. It is also submitted that the passing Officer and Paying Cashier are responsible for transactions done by customers in routine transactions. There is no direct involvement of Branch Manager in normal course of withdrawals and deposits. The withdrawal form is verified by the cashier and field officer of the concerned bank, so it is clear that in withdrawal of money of KCC loan, there is no role of the Branch Manager. The main allegation of cheating to the informant and others is against co-accused Kavita Devi and she has also been granted bail by the different co-ordinate Bench of this Court vide Annexure-2 series of this petition. Nothing consistent material came against the petitioner to implicate in this alleged offence. Moreover, he is languishing in judicial custody since 30.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chautham P.S. Case No. 91 of 2017 on furnishing bail bond of Rs. 10,000/-



(Rupees ten thousand) with two sureties of the like amount each
to the satisfaction of the learned J.M. First Class, Khagaria.

(Sunil Kumar Panwar, J)

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