IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.320 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Buxar

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KAMAL SHARMA S/o Late Garib Chand Sharma R/o Village and Post-Majhwari, P.S.- Simari, Distt- Buxar.

... ... Petitioner

Versus

1. The Chairman-cum-Managing Director, Allahabad Bank, Head Office-2 Netajee Subash Road, Kolkata (West Bengal)-700001.
2. The Inquiry Authority of Senior Manager, Zonal Office, Allahabad Bank, Budh Marg, Patna, Bihar. Bihar
3. The Chief Manager, Allahabad Bank, Patna, Bihar.
4. The Branch Manager, Allahabad Bank, Chilahari, Block- Simari, Distt-Buxar.
5. Mr. Manoranjan Singh, earlier Branch Manager, Allahabad Bank, Chilahari, Block-Simari, Distt- Buxar
6. Chandra Kant S/o Shree Ramesh Kumar Singh R/o Village and P.O.-Majhawari, P.S.- Simari, Distt- Buxar.
7. Ramesh Kumar Singh @ Ram Kumar Singh Son of - Not known R/o Village and P.O.- Majhawari, P.S.- Simari, Distt- Buxar.
8. Girja Shankar S/o Shree Ramesh Kumar Singh R/o Village and P.O.-Majhawari, P.S.- Simari, Distt- Buxar.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 05-10-2023 Heard learned counsel for the petitioner and learned counsel for the Bank.

2. Petitioner in this case is seeking a direction of proper investigation of the matter relating to withdrawal of loan amount of Rs. 5,00,000/- from account no. 50438384486. The petitioner alleges that the said loan amount was obtained in his name by one Chandra Kant (Respondent No.6) in connivance with the then Branch Manager, namely, Manoranjan Singh (Respondent No.5) and the money was received in absence of the petitioner in the branch office.

3. Learned counsel for the petitioner submits that the respondent no.5 had opened the loan account in the name of the petitioner without his consent whereas learned counsel for the bank submits that from Annexure '1' itself it would appear that this petitioner had availed a term loan of Rs. 5,0,000/- being proprietor of M/s. Vishwakarma Furnitre which is a firm in the category of Medium Small Micro Enterprises. The loan became irregular whereafter the bank has initiated action against him.

4. Be that as it may, it is evident from the materials placed before this Court that the petitioner has not taken any step to lodge FIR. If it is his case that the loan account was opened in his name by playing fraud, it is his bounden duty to bring it to the notice of the jurisdictional police station which has not been done. The petitioner seems to have moved this Court directly under Article 226 of the Constitution of India.

5. The writ application as framed, cannot be entertained and is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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