IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18977 of 2022

Arising Out of PS. Case No.-744 Year-2021 Thana- DANAPUR District- Patna

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AMIT KUMAR Son of Hriday Ranjan Sharan R/o- 19/316, Saran Niwas, West Lohanipur, P.S.- Kadamkuan, Dist.- Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Madan Mohan, Adv.
For the Bank	:	Ms. Deepika Sharma, Adv. Mr. Rajat Kumar Tiwary, Adv.
For the State	:	Mr.Madhura Nand Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

7 09-01-2023 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the learned counsel for the IndusInd Bank.

The petitioner apprehends his arrest in connection with Danapur P.S. Case No. 744 of 2021, registered for the offences punishable under Sections 409, 420, 467, 468, 471 of the Indian Penal Code.

The informant is Branch Manager of IndusInd Bank and the petitioner was the erstwhile Branch Manager. There is allegation that the petitioner received 8 to 10 lakhs against loan account of one Jay Prakash Singh and, instead of depositing the same into loan account, he deposited the same in his own account and misappropriated it.

Learned counsel for the petitioner has submitted that the e-mail sent by the petitioner does not contain the attachments, to which the learned counsel for the Bank has replied that the attachments are there with forged NOC in the e-mail i.e. Annexure-R/4 of the counter affidavit. Learned counsel for the petitioner has submitted further that prior to lodging of the FIR, the petitioner has resigned from the post.

Learned counsel for the Bank has also submitted that the petitioner, instead of depositing the loan amount in the account of the IndusInd Bank, he used to deposit it in his own account. The statement of the account of Jay Prakash is annexed with the counter affidavit, which shows that on 25.07.2019, rupees two lakh were deposited in the accounts of Amit Saran, the petitioner through RTGS and similarly on 19.11.2019, Rs. 76,005 was transferred in the account of the petitioner through NEFT from the account of Jay Prakash Singh. She has also submitted that on several occasions, cash were handed over to the petitioner against the loan account of Jay Prakash Singh. After his transfer from the Branch and after his joining in Patna, he issued five fake NOCs.

The counter filed on behalf of the Bank itself shows that the petitioner was receiving amount in his account instead of account of Bank against the loan issued to Jay Prakash. The matter is still under investigation. As such, I do not think it to be a fit case for anticipatory bail, which is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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