

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23492 of 2023

Arising Out of PS. Case No.-424 Year-2022 Thana- DHURAIYA District- Banka

RUBI DEVI Wife of Hemant Bhagat @ Hement Kumar C.S.P Code 1A,
9009872 R/O Nayagaon, P.S.- Bounsi, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prashant Kumar Bariyar Son of Late Lal Mohan Prasad Regional Manager,
State Bank of India, Regional Business Office Bhagalpur Adress -
Khanjarpur, P.S.- Barari, Dist.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, A.P.P.
	:	Mr. Binod Bihari Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-07-2023
1. Heard learned counsel for the petitioner, learned counsel for the Bank, learned counsel for the informant and learned A.P.P. for the State.
 2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 408, 409, 420, 120(B) of the Indian Penal Code.
 3. The informant alleges that late Jitendra Kumar Lal while he was posted as Field Officer, Kharik Bazar Branch and thereafter as Branch Manager, Bounsi Branch, he misappropriated an amount of Rs. 2,02,90,019/-.
 4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and



has been falsely implicated in the present case, it is also submitted that from bare perusal of the allegation as alleged in the FIR it would manifest that it was late Jitendra Kumar Lal who was instrumental in committing the occurrence and misappropriated the amount. It is next submitted that petitioner being a lady was running a CSP and thus she was not aware that late Jitendra Kumar Lal was also crediting money in the account of the CSP of the petitioner, it is next submitted that petitioner was not an employee of the bank, as such, Section 409 is not made out against her as there was no entrustment of any money.

5. Learned A.P.P. for the State and learned counsel for the Bank vehemently opposed the prayer for anticipatory bail of the petitioner and submits that allegation is of misappropriation of public money, it is next submitted that from perusal of the allegation it would manifest that there is specific allegation in the FIR that late Jitendra Kumar Lal was crediting the money in the account of the CSP of the petitioner as well as in the account of the husband which amply demonstrates that this petitioner along with her husband was in connivance with late Jitendra Kumar Lal. It is further submitted that there was absolutely no occasion for late Jitendra Kumar Lal to credit any amount in the account of the husband of the petitioner, it is further submitted



that if petitioner was innocent then she ought to have informed the bank at the earliest about the credit being made in the account of the CSP but then that was not done which clearly demonstrates that the petitioner was hand in gloves with the main accused Jitendra Kumar Lal who subsequently committed suicide.

6. Considering the submissions made by the learned A.P.P and learned counsel for the bank, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

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