IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21139 of 2023

Arising Out of PS. Case No.-24 Year-2019 Thana- BAHERI District- Darbhanga

==

VINAY VERMA @ VINAY SHARMA son of Late Sukhdev Prasad Verma Mohalla- Balbhadarpur House no-60, Near LIC Officer Po Ps- Laherisarai Dist- Darbhanga

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

==

Appearance :

For the Petitioner : Mr. Md. Shahnawaz Ali, Advocate

For the Opposite Party : Mr. Binod Kumar, APP

==

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-10-2023 The petitioner is an accused in Baheri P.S. Case No. 24 of 2019, registered for the offences punishable under Sections 406, 409, 420, 467 and 468 of the IPC. The petitioner was Branch Manager of Bithauli Branch of North Bihar Gramin Bank, Darbhanga. In the FIR, it was disclosed that during the period from 26.05.2014 to 02.08.2015 under JLKCC Scheme loans were disbursed to 44 fake persons. During the course of enquiry, the entire amount was deposited by someone. Accordingly, the entire amount of the Bank stood recovered. Based on the said allegation, the FIR came to be registered against this petitioner. The petitioner has approached this Court by filing the present application under Section 482 of the CrPC seeking quashing of FIR of the said Baheri P.S. Case No. 24 of 2019.

2. Learned counsel appearing on behalf of the petitioner has submitted that the police have not duly investigated the case and they filed the charge-sheet in haste without duly taking into account the relevant communications.

3. Learned counsel for the petitioner has submitted that the Investigating Officer has not taken into account the communication dated 13.09.2018 made by the then Branch Manager, Bithauli Branch of North Bihar Gramin Bank, Darbhanga, which has been brought on record by way of Annexure-2 to this application. The Court's attention has also been drawn to another communication dated 14.09.2018 (Annexure-3) addressed to the Chief Manager, North Bihar Gramin Bank, issued by the Regional Manager that no employee/officer of the Bank was accountable for advancing loans to fake persons. He has submitted that the Investigating Officer ought to have taken into account these two communications, which were prior to the communication made by the Branch Manager leading to registration of the FIR.

4. I have heard learned counsel for the petitioner at length. I am fully satisfied that the submissions, which have been advanced on behalf of the petitioner, are thoroughly misconceived for the reason that what is mentioned in the

communication dated 05.02.2019 do constitute commission of offences punishable under Sections 406, 409, 420, 467 and 468 of the IPC. The Branch Manager has specifically mentioned in his communication dated 05.02.2019, which is the basis for registration of the FIR, that loans were advanced to 44 persons, who were found to be fake. Total amount so advanced was found to be 11 lakhs. Someone deposited the entire amount subsequently when the matter of defalcation surfaced. In such circumstances, in my opinion, no case is made out for interference by quashing the FIR exercising power under Section 482 of the CrPC.

5. Learned counsel for the petitioner has stated that till date charge has not been framed against the petitioner.

6. While dismissing this application, the Court observes that let the trial court proceed to frame the charge in accordance with law and take all possible steps to conclude the trial as expeditiously as possible.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	