IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21095 of 2020

Arising Out of PS. Case No.-104 Year-2017 Thana- LAKHISARAI District- Lakhisarai

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GIRINDRA CHANDRA PATHAK (G. C. PATHAK) Son of Late Kanhaiya Dutt Pathak Resident of - Adarsh Nagar (Near Sandalpur OTP), Puraniganj, Jamalpur Road, P.S.- Kashim Bazar, District - Munger

... ... Petitioner/s

Versus

1. The State of Bihar
2. Branch Manager, Gramin Bank, Lakhisarai

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nilesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar No.1, APP
For the Informant	:	Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

18 26-06-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 409, 467 and 468 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has retired from the service of the bank and it was after his retirement that the present case came to be instituted in the year 2017. It is next submitted that the informant alleges that petitioner while posted as Branch Manager of the Bank on 08.08.2013 made nineteen forged credit and debit entries in the computer without vouchers through ID No. DC13511, using User ID No. RS300828 and User ID No. GP300252, further by manipulating permanent address of one Navlesh Kumar, the petitioner sanctioned a loan for a truck of an amount of Rs. 18,00,000/- and also provided KCC loan of Rs. 3,00,000/- to one Shankar Prasad Singh without confirming the norms of the bank, in this way the petitioner defalcated an amount of Rs. 38,00,000/- of the bank.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR it would manifest that the informant has alleged that the entries were made in the computer by User ID RS300828, the said User ID belongs to one Ranjit Kumar Singh who was the then Office Assistant at Lakhisarai Branch and the User ID GP300252 belongs to the petitioner by which the entries were posted and authorised, the learned counsel thus submits that it absolutely does not stand to reason that why the petitioner would have used his own User ID for posting and authorizing entries made in the computer and thus would have created evidence against himself and hence would have got implicated easily. It is next submitted that though it has been alleged that debit and credit entries were made in the computer without any vouchers but then the vouchers for the said entries are there as would be evident from Annexure-2 to the anticipatory bail application. It has been further submitted that the informant has specifically alleged that the date of occurrence is 08.08.2013 but thereafter audit of the bank was conducted in the year 2014 but no allegations came to be levelled against the petitioner with respect to the allegations as alleged in the FIR, the learned counsel thus submits that if what has been alleged by the informant in the FIR would have been correct, the same would have come to the notice of the Auditors while auditing the accounts of the bank in the year 2014. Learned counsel submits that in the year 2007, a departmental proceeding was initiated against the present informant in which the petitioner was made an Inquiry Officer and after conclusion of the departmental proceeding, the informant was inflicted with a punishment, that perhaps explains the fact why the present FIR came to be instituted after his retirement when the informant became the Branch Manager of the Bank. It is further submitted that the petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to rebut the submissions of the learned counsel for the petitioner that in the year 2014, an audit was done but then the present FIR is not based on any audit report and secondly that the FIR came to be instituted after the retirement of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Lakhisarai (Kabaiya) P.S. Case No. 104 of 2017, G.R. No. 314 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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