

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24193 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- PATEPUR District- Vaishali

Harish Kumar, Son of Harendra Paswan, R/o Village- Fatikwara, P.S.- Desari,
District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Mrityunjay Kumar, Advocate
For the State	:	Ms. Nirmala Kumari, APP
For the CBI	:	Mr. Sourendra Pandey, Special PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner, Mr. Sourendra Pandey, learned standing counsel for the Central Bureau of Investigation (in short 'CBI') and Ms. Nirmala Kumari, learned APP for the State.

2. The petitioner in this case is the former Branch Manager of the North Bihar Gramin Bank, Kasturisarai Branch. He is seeking pre-arrest bail in connection with Patepur P.S. Case No. 187 of 2021 registered for the offence under Sections 420, 408, 409, 467, 468, 469, 470 and 120B of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, it is alleged by the informant that the petitioner had committed forgery and misappropriated about Rs.50,00,000/- from the account holders after illegal withdrawal from their account. It is further alleged

that the petitioner and the co-accused did not mention the amount deposited by the customers in their account.

4. Learned counsel for the petitioner submits that the allegation made against the petitioner is not of committing any fraudulent act and, in fact, it is a case of misuse of his password. It is submitted that no customer has made any complaint against the petitioner and it is further submitted that the co-accused Rajesh Prasad has been granted privilege of pre-arrest bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 17724 of 2023.

5. On the other hand, learned counsel for the CBI submits that the co-accused Rajesh Prasad has taken a plea that he was working as 'Assistant' and was not in a position to question the conduct of the superior so he had to pass on his password to the Branch Manger. It is submitted that the investigation of the case was transferred to the CBI and after investigation, CBI has found the allegations true against the petitioner whereafter a chargesheet has already been filed against him.

6. Having regard to the facts and circumstances of the case, on noticing that it is a case of misappropriation of the customer's money in a Bank, the petitioner was the Branch

Manager, the allegations against the petitioner are said to have been found true and a chargesheet has already been filed against the petitioner in the court of learned Special Judge, CBI, Patna, this Court is of the opinion that the petitioner does not deserve privilege of pre-arrest bail.

7. His prayer for pre-arrest bail is refused, however, in case, he surrenders and prays for regular bail in the learned court below, his prayer for regular bail shall be considered on its own merit keeping in view the guidelines provided by the Hon’ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and Another** reported in **(2022) 10 SCC 51**.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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