

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34018 of 2023**

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

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HEMANT BHAGAT @ HEMANT KUMAR SON OF RAMANI PARASAD  
BHAGAT C.S.P. CODE 3A, 432678, RESIDENCE OF VILLAGE  
NAYAGOAN, PS BOUNSI, DISTRICT BANKA

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRASHNAT KUMAR BAIRYAR SON OF LATE LAL MOHAN PRASAD  
REGIONAL MANAGER, STATE BANK OF INDIA, REGIONAL  
BUSINESS OFFICE, BHAGALPUR RESIDENT OF VILLAGE-  
KHANJARPUR, PS- BARARI, DISTT- BHAGALPUR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rahul Rathour, Advocate  
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      26-07-2023                      1. Heard learned counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the Bank.
2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 408, 409,  
420 and 120(B) of the Indian Penal Code.
3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent.
4. The informant alleges that Late Jitendra Kumar Lal  
while he was posted as Field Officer, Kharik Bazar Branch and  
thereafter Branch Manager as Bounsi Branch in collusion with  
the petitioner and co-accused persons misappropriated an



amount of Rs.2,02,90,019/-.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case being owner of the CSP. It is further submitted that 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 was running a CSP and thus was not aware that Late Jitendra Kumar Lal was also crediting money in the account of CSP of the petitioner. It is also submitted that petitioner was not an employee of the bank as such Section 409 of the Indian Penal Code is not made out against him as there was no entrustment. It is further submitted that though in the FIR it is alleged that misappropriation of the amount took place from SHG account but it is asserted and submitted that not a single penny of SHG account was credited in the account of the petitioner who was running the CSP.

6. Learned A.P.P. for the State and learned counsel for the bank vehemently opposed the prayer for anticipatory bail of the petitioner and submit that the allegation is of misappropriation of public money. It is further 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 and Rubi Devi which amply demonstrates that this petitioner along with his wife was in connivance with Late Jitendra Kumar Lal. It is next submitted that there was absolutely no occasion for Late Jitendra Kumar Lal to credit any amount in the account of the petitioner. It is also submitted that though a submission has been made on behalf of the learned counsel for the petitioner that not a single penny of SHG account was credited in the account of the petitioner but then the said submission is a bald submission and the same has not been pleaded in the anticipatory bail application when the allegation in the FIR is specific that money of SHG amount was credited in the account of the petitioner also.

7. Learned counsel for the bank raises very valid points and submits that even presuming what has been alleged by the learned counsel for the petitioner to be true then what he admits is that some amount was being credited in the account of the petitioner though the said amount may not be from SHG account but if some money was being credited in the account of the petitioner then he ought to have brought the said fact to the notice of the bank at the earliest but by not doing so amply



reflects the conduct and character of the petitioner.

8. Considering the submissions of the learned counsel for the bank as recorded aforesaid, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Dhoraiya P.S. Case No. 424 of 2022 pending in the Court of learned Chief Judicial Magistrate, Banka/successor Court.

9. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

**(Satyavrat Verma, J)**

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