IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7315 of 2018

Arising Out of PS. Case No.-399 Year-2017 Thana- KHAJANCHI HAT District- Purnia

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Brajesh Kumar Yadav S/o- Late Ramesh Chandra Yadav, Resident of Village-Krishnapuri Maranga East, P.S.- K Hat, District- Purnea.

... ... Petitioner/s

Versus

1. State Of Bihar
2. Birendra Thakur, the Managing Director, the Purnea District Central Cooperative Bank Limited, Purne

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shankar Kumar Thakur, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present petition has been filed for quashing of the FIR bearing K. Hat P.S. Case No. 399 of 2017 lodged under Section 420 and 409 of the Indian Penal Code.

As per the prosecution story, the petitioner is a Branch Manager of Purnea District Central Cooperative Bank Limited, Purnea who while being posted between 2008-09 to 2014-15 committed financial irregularities. An audit team was constituted during alleged financial irregularities made by him and it was found that he kept the balance amount in excess of prescribed ceiling limit and withdrew cash amount from another bank causing huge loss to the Bank on account of non-investment of the aforesaid amount.

Further allegation is that he wrongly issued Kisan Credit Card and sanctioned loan amount to the concerned persons on the basis of the detailed audit report, the loss came to Rs. 40,66,504/-. Accordingly, the FIR was lodged.

As per the averment made in the petition, he cooperated with the audit team and further process of the Court already ensured for recovery of amount from him under Section 40 of Bihar Co-operative Society Act, 1935 vide surcharge (Proposal Case no. 1 of 2017) and as such, the lodging of the FIR is nothing but abuse of the process of the Court.

Per contra, learned APP Mr. Bharat Bhushan submits that from the FIR itself, it shows that the petitioner despite being the head of the said bank purposely kept balance amount in excess of prescribed ceiling limit which caused heavy loss to the Bank to the tune of Rs. 40,66,504/- due to non-investment of the aforesaid amount.

Considering the aforesaid facts that the allegation against the petitioner who was at the relevant time Branch Manager of the said Bank, the Bank sustained loss of Rupees more than Rs. 40 lakhs, there is nothing to interfere in the FIR that has been lodged against him.

The petition is without any merit and is accordingly dismissed.

(Rajiv Roy, J)

Jagdish/Neha/-

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