

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28579 of 2023

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

SUNIL KUMAR SAH Son of Radhey Sah Resident of Village - Athpahra,
P.S.- Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prasant Kumar Bariyar Son of Late Lal Mohan Prasad The Regional Manager, State Bank of India, Bhagalpur, Village - Khangarpur, P.S.- Barari, District - Bhagalpur.
3. The Branch Manager aged about years (Male), Batsar Branch, State Bank of India, Police Station - Dhoraiya, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Balram Kapri, Advocate
For the State Bank of India:		Dr. Binod Bihari Singh, Advocate
For the State	:	Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-10-2023 Heard Mr. Balram Kapri, learned counsel for the petitioner, Dr. Binod Bihari Singh, learned counsel appearing on behalf of the SBI and Mrs. Maduri Lata, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Dhoraiya P.S. Case No. 424 of 2022 dated 13.12.2022 registered for the offences punishable under Sections 408, 409, 420 and 120(B) of the Indian Penal Code.

3. The informant alleges that late Jitendra Kumar Lal while he was posted as Field Officer, Kharik Bazar Branch and thereafter as Branch Manager, Bounsi Branch, he in collusion



with the petitioner misappropriated an amount of Rs. 2,02,90,019/-.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer of the petitioner and submits that from perusal of the F.I.R. it transpires that the petitioner on the instruction of the then Branch Manager, late Jitendra Kumar Lal had transferred the amount to the different account and the transferred amount was received by him in cash from late Jitendra Kumar Lal at the Branch on the same day and the anticipatory bail application of the co-accused Rubi Devi was rejected by a Coordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 23492 of 2023, another co-accused person namely Hemant Bhagat @ Hemant Kumar the anticipatory bail application was rejected by a Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 34018 of 2023 respectively.



6. Considering the aforesaid facts and circumstance of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Dhoraiya P.S. Case No. 424 of 2022 pending in the Court of Chief Judicial Magistrate, Banka.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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