IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60026 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- BENIPATTI District- Madhubani

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AJAY KUMAR MISHRA Son of Late Maheshwar Mishra Resident of Village- Pali Goth, P.O.- Pali Goth, P.S.- Benipatti, District- Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 62288 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- BENIPATTI District- Madhubani

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NARENDRA JHA Son of Late Rama Nand Jha Resident of Village - Arer Dih Tole, P.S.- Arer, District - Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 60026 of 2021)
For the Petitioner/s : Mr.Rakesh Bihari Singh
For the Opposite Party/s : Mr.Madhura Nand Jha
(In CRIMINAL MISCELLANEOUS No. 62288 of 2021)
For the Petitioner/s : Mr.Kumar Kaushik
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

16 17-01-2023 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehends their arrest in connection with Benipatti P.S. Case No. 51 of 2021, registered for the offences punishable under Sections 409, 420 and 34 of the Indian Penal Code.

As per allegation, at the relevant point of time, petitioner Ajay Kumar Mishra was posted as Branch Manager of Rahika Central Cooperative Bank Ltd. Madhubani and petitioner, Narendra Jha was treasurer. When audit was conducted, a number of irregularities were found. It was detected during audit that without proper verification and without proper filling of the forms, loans were distributed to 246 persons.

Learned counsels for the petitioners have submitted that there is only allegation against the petitioners of being negligent while disbursing the loan and some of the loanees have filed application admitting that they have been granted loan in their names and process of recovery of the loan has been started by the Bank.

On the other hand, the learned Addl.P.P. has submitted that during course of investigation it has come that not only the forms were incomplete but also the signatures of the applicants were not their on the forms. By drawing my attention towards paragraph Nos. 65, 66, 67, 68, 75, 76, 77, 84 and 85 of the case diary, the learned APP has submitted that the witnesses who are said to be loanees have stated that they never applied for loan.

Irregularities have been found in audit. The loanees in above-mentioned paragraphs have denied that they have applied for loan. As such, in my view it is not a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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