

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67796 of 2022

Arising Out of PS. Case No.-112 Year-2018 Thana- GOH District- Aurangabad

PRITAM KUMAR S/o Late Nawal Kishore Prasad R/o Village- Patasang,
P.S.- Rahui, Distt- Nawada, Presently posted as Assistant Manager, Regional
Office, Madhya Bihar Gramin Bank, Biharsharif, Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Regional Officer, Madhya Bihar Gramin Bank, Aurangabad Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-02-2023 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel appearing on behalf of
Madhya Bihar Gramin Bank, Aurangabad.

The petitioner apprehends his arrest in connection with
Goh P.S. Case No.112 of 2018, registered for the offences
punishable under Sections 406, 409, 420 of the Indian Penal Code.

As per prosecution case, there is defalcation of tal
amount of Rs.13,67,005.29/- which has been credited in the SB
account of one Birendra Mishra on different dates from the
account of BDO, Goh and from the account of BDO, Vidhayak
Kosh. It is further alleged that the said defalcation from the
government account was done by the then Branch Manager, Sri
P.K. Dwivedi in connivance with other employees of the bank



including the petitioner herein who was then posted as Officer of the Branch.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the petitioner had joined as a Trainee Officer at Madhya Bihar Gramin Bank, Deohara on 08.07.2015. It is submitted that A/c No.70990100000976 was dormant and it has been made operational in the year 2009 by the then Branch Manager, Ram Nagina Prasad. Learned counsel for the petitioner submits that it is apparent from the Bank detail that Rs.6,67,005.29/- has been credited through two different accounts of B.D.O., Goh in A/c No.70990100000976. The petitioner being the Trainee Officer was duty bound to work on the instruction of the then Branch Manager. It is further submitted that a departmental proceeding was initiated against the petitioner and he was penalized of a major penalty of reduction to initial stage in time scale of pay for period of 03 (Three) years, with further direction that the petitioner will not earn increments of pay during the period of such reduction and on expiry of such period, the reduction shall have the effect of postponing the future increments of his pay. Learned counsel for the petitioner submits that petitioner was newly recruited officer



and his first posting was in the said branch.

Learned APP for the State as well as learned counsel for the Bank opposed the prayer for grant of anticipatory bail to the petitioner by submitting that prayer for grant of anticipatory bail to the Branch Manager, namely, Nawal Kishore Prasad Gupta was dismissed by a co-ordinate Bench of this Court.

Taking into consideration the facts aforesaid and the fact that petitioner was newly appointed Trainee Officer, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Goh P.S. Case No.112 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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