

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71104 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- PAKARIBARAW District- Nawada

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ASHISH KUMAR JHA Son of Sri Arun Kumar Jha R/v- Ward No. 33,
Karnibag, P.S. and P.O.- Kunda, District- Deoghar- 814112, Jharkhand

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yash Mathur

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-05-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 406/409 of the Indian Penal Code.

Allegation against this petitioner is that he, being Assistant in South Bihar Gramin Bank at branch Birnawan, transferred Rs. 10 lacs from the account of Pankaj Kumar without his consent / voucher. It is further alleged that after investigation, the Divisional Officer of the Bank found defalcation of Rs. 92,81,458/- in the Bank, in which, petitioner's involvement has been found.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case only on suspicion. No customer of the Bank has lodged any complaint against this



petitioner. In fact, the then Branch Manager Yogesh Kumar has committed financial irregularities in the Bank and he embezzled huge amount and Fixed Deposits of customers in the said Bank and this petitioner has only followed the direction of the then Branch Manager Yogesh Kumar in good faith while discharging his official duty. It is further submitted that initially, on the basis of alleged complaint, petitioner was suspended, but during course of enquiry, suspension of the petitioner has been recalled and petitioner is in deputation and working in the Bank and as such, it is apparent that petitioner has not committed any irregularity.

However, learned A.P.P. for the State opposes the bail petition and submits that petitioner is named in the F.I.R. and there is specific allegation against him that he being Assistant in the Bank transferred money from the account of one customer Pankaj Kumar without his consent.

Considering the same, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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