

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51479 of 2018

Arising Out of PS. Case No.-140 Year-2006 Thana- KUDRA District- Kaimur (Bhabua)

Bhuvneshwar Nath Verma, S/o Late Dwarika Nath Verma At present Advocate, resident of Bhabhua ward no. 11/4 P.S. and Post Bhabhua, District - Kaimur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ashok Kumar Singh, S/o Shri Ram Adhin Singh Resident of Village Bhaissaula P.S. Kudra, District Kaimur Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 03-07-2024 1. The petitioner is a superannuated Branch Manager of State Bank of India, ADB, Bhabhua Branch. He was posted in the said Branch in the year 1996 when he retired from service. The Opposite Party No. 2/Ashok Kumar Singh and his father Ram Adhin Singh, along with his family members, Lal Bahadur Singh, Sanjay Kumar Singh, Wakil Singh, Sanjhari Kumari, Lakshminia Devi and Mukhram Singh submitted a joint application for loan in State Bank of India, ADB, Bhabhua Branch on 10th October, 1998.

2. It is pertinent to mention here that on 10th of October 1990, the petitioner was not a Manager of Bhabhua Branch and nothing was done in respect of the loan application filed by the Opposite Party No. 2 and his family members.



However, the petitioner was implicated in connection with G.R. Case No. 1357 of 2006, bearing Trial No. 427 of 2014 for the offences punishable under Sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code.

3. On perusal of the F.I.R. and other materials on record, I do not find as to why the petitioner was implicated in the above-mentioned case. There is absolutely no ground to implicate the petitioner in his official capacity as he did not take any step in committing any offence in respect of loan application dated 10th October, 1998.

4. Therefore, the order of cognizance, dated 19th of May 2014, taken by the learned Chief Judicial Magistrate, Bhabhua is bad in law and liable to be quashed and is accordingly quashed. The G.R. Case No. 1357 of 2006, bearing Trial No. 427 of 2014, instituted for the offences punishable under Sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code, are also quashed, in respect of the petitioner.

5. The instant Miscellaneous Case is accordingly allowed.

(Bibek Chaudhuri, J)

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