IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69600 of 2024

Arising Out of PS. Case No.-632 Year-2023 Thana- KHAGARIA District- Khagaria

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Unnati @ Unnanti S/o Yash Aryan, D/o Shri Deepak Kumar Verma R/o Village- Sevayan Gali, Neelam Road, Munger, P.S- Kotwali, Dist- Munger

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Senior Branch Manager, Bank of India, Avadh Complex, Rajendra Chowk, Khagaria Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Sinha

For the Opposite Party/s : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 18-12-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the Bank, Mr. Amresh Kumar.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467 and 471 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and in sum and substance, the allegation is that fraudulently from the account of DDC, Khagaria an amount of Rs. 51,67,220/- was withdrawn through 11 cheques and credited in the account no. 462410110003610 of Shantanu Kumar and Shantanu Kumar

withdrew an amount of Rs. 50,90,000/- in cash through 13 transactions, further an amount of Rs. 24 Lakhs was withdrawn from the account of Shantanu Kumar in between 28.01.2022 to 11.02.2022.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name transpired during the course of investigation. It is further submitted that petitioner is posted as Staff Clerk in Khagaria Branch of Bank of India and the allegation against him is that he cleared Cheque Nos. 89781, 89782, 89784 and 89785 for an amount of Rs. 4,50,000/-, Rs. 5,00,000/-, Rs. 3,50,000/- and Rs. 2,00,000/- respectively in favour of Shantanu Kumar. It is submitted that petitioner being Staff Clerk is not entitled to clear any cheque above Rs. 10,000/- without the same being validated by his superior authorities. It is further submitted that all the cheques were passed by the petitioner after seeking validation of his superior authorities. It is also submitted that the vigilance wing of the bank after threadbare investigation came to a considered conclusion that petitioner is innocent, but then fairly submits that non vigilance branch of the bank is still continuing with the investigation, it is thus submitted that no useful purpose would be served by sending the petitioner to jail when vigilance wing

of the bank has cleared him of the charges.

5. Learned APP for the State and the learned counsel appearing on behalf of the Bank oppose the prayer for anticipatory bail of the petitioner, but then the learned counsel appearing on behalf of the bank is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that vigilance wing of the bank has cleared the petitioner of the charges.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khagariya P.S. Case No. 632 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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