

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86170 of 2024

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

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Anand Raj Son of Ram Baran Choudhary Resident of Village - Mohalla 222,
Surkhikal Bhatta Road, Gyan Jyoti School Tilkamanjhi, P.S. - Tilkamanjhi,
District - Bhagalpur, Bihar - 812001

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, Bank of India, Alauli Branch, District - Khagaria,
Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar Mishra
For the Opposite Party/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 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DDC, Khagaria an amount of Rs. 51,67,220/- was withdrawn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withdrew an amount of Rs. 50,90,000/- in cash through 13 transactions, further an amount of Rs. 24 Lakhs was withdrawn from the account of Shantanu Kumar in between 28.01.2022 to 11.02.2022.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 as during the course of investigation, it transpired that petitioner without verifying passed 8 transactions and transferred the amount from account of DDC, Khagaria to the account of Shantanu Kumar without verifying and following the mandatory procedure of clearance and mandate of second cancellation, which amply demonstrates that the petitioner was in connivance with the accused persons in the occurrence. The learned counsel next submits that petitioner was posted as Clerk in Alauli Branch of Bank of India. It is further submitted that the Clerks cannot pass any cheque without seeking validation of their superior authority of an amount more than Rs. 50,000/-. It is further submitted that all the amounts were credited in the account of Shantanu Kumar after seeking validation of the superior authorities. It is next submitted that the matter was also investigated by the vigilance of the bank and the vigilance of the bank after threadbare



investigation cleared the petitioner of the allegation as would manifest from Annexure-3 at page 30 of the anticipatory bail application. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. 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 of the bank has cleared the petitioner of the allegation.

7. 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.



8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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