

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26548 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- BANKA District- Banka

Luna Kumari @ Luna D/O B.P. Choudhary Resident of village Mirjanhat.
P.s.- Babarganj, District- Bhagalpur Presently Posted as Branch Manager,
Sabour Branch, Axis Bank, Bhagalpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Axis Bank through Branch Manager, Axis Bank Branch, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Swapnil Kumar Singh, Advocate
For the State : Mr. Rabindra Kumar, APP
For the Informant : Mr. Vikash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-07-2025 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

2. Petitioner apprehends her arrest in case registered

for the offences punishable under Sections 120B, 406, 420, 467,

468, 471 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that informant is

first partner of the firm M/s S.K. Enterprises, registered on

14.02.2013 in Sitamarhi and this petitioner is Branch Manager

of Axis Bank, Banka. In October, 2023 informant came to know



that co-accused Nishant Kumar Singh, who is second partner of the aforesaid firm, had withdrawn crores of rupees from Axis Bank, Banka with forged signature of the informant. Informant alleges that all the F.I.R. named accused persons, including this petitioner, in conspiracy with each other, misappropriated huge amount of fund of the firm.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. As a matter of fact, at the relevant time, petitioner was Branch Manager in the Axis Bank, Banka and has got no concern with the alleged fraudulent withdrawal. Allegation against petitioner is general and omnibus. As a matter of fact, it is a dispute between partners of the alleged firm and not a single money has been withdrawn or transferred in the account of this petitioner. He further submits that much before institution of the present case, petitioner got transferred from Banka but merely being the signatory authority, petitioner has been dragged in this case. Petitioner is a lady and claims clean antecedent.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R.



with specific accusation that she, along with other accused persons and employees of the bank, had made unauthorized withdrawal of crores of rupees from bank account of the firm. It appears that at the relevant time, this petitioner was Branch Manager of the Axis Bank at its Bhagalpur Sabour Branch. It is a known fact that in case of withdrawal of more than fifty thousand rupees through cheque in any bank, the bank used to inform its account holder but in the present case, no such prior information was given to the account holder. As per Paragraph No. 13 of the Deed of Partnership the bank account of the firm shall be opened by the 1st partner. Any deposit can be made by single signature but in case of any withdrawal the signature of 1st partner will be required and he will only withdraw the same, however, in the present case, the same has been overlooked by the Bank and its officials. It is also evident that in case of clearing of large value cheque, the Bank Manager plays a crucial role in ensuring security and compliance. This petitioner, being the Branch Manager, was duty bound to see and check the implication of such transaction.

6. Considering the aforesaid facts and circumstances of the case, gravity of the offence and the materials that has come during course of investigation in which there is sufficient



material against this petitioner, the prayer for anticipatory bail of
the petitioner is rejected.

(Prabhat Kumar Singh, J)

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