IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31480 of 2025

Arising Out of PS. Case No.-384 Year-2017 Thana- GAYA KOTWALI District- Gaya

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Sunil Sinha @ Sunil Kumar Sinha S/O Late Vijay Kishore Sinha R/O Mohalla- Nai Godam, Gulab Bag, P.S- Kotwali, Distt.- Gaya. At present Flat No. 101 A ranka Colony, Bannerghatta Main Bangalore South, P.S- Mocolayout, Distt.- Bangluru, State- Karnataka.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Ranjan Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 23-07-2025 Heard Learned Counsel for the petitioner, Learned APP for the State and Learned Counsel for the informant, who appeared suo motu.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Kotwali (Gaya) P.S. Case No. 384 of 2017, lodged on 22.08.2017, under Sections 406/420/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against two named accused persons with allegation that the Bank Manager has transferred the money of the informant in the

account of others without his permission as well as allegation has been made that by committing fraud obtained signature and attached the concerned document with other account and in this way the offence under Section 406/420/34 of the Indian Penal Code has been made.

4. Learned Counsel for the petitioner submits that the petitioner was the Branch Manager of Vijya Bank, Gaya. He submits that it is nowhere alleged that the money of the informant has been taken by the petitioner. It is also not the allegation that the said money has been obtained by the petitioner in any way or in any manner for his personal use. He submits that informant has applied for account of cash credit, which was opened. Informant has also taken loan from the Bank and informant has also business transactions with the other persons whose account was also in the same bank. Counsel for the petitioner submits that some of the money has been transferred from the account of the informant to the account of the person against whom informant's dues are there. Counsel submits that in the commercial transactions, upon instruction of the account holder the money may be transferred and these things have been done. He submits that not a single penny has been utilized by the petitioner for his personal use. He further

submits that antecedent of the petitioner is clean. He is working in the Bank since long. He submits that he is at the fag end of his service, aged about 59 years, at that very time he was working at Gaya, but presently he is working at Bengaluru. Counsel for the petitioner further submits that not only that the informant's house was put on auction thrice and for everything it is the informant who is responsible.

5. Learned APP for the State opposes the prayer for bail but fairly submits that the petitioner is a Branch Manager and he has long experience of bank transaction. He also submits that in the case-diary, it has come that there was a business transaction going on between the informant and one Nirmala Kumari. The said payment has been made from the account of the informant to the account of Nirmala Kumari with whom informant has business transaction.

6. Learned Counsel for the Informant opposes the prayer for bail and submits that it is the Manager who is the culprit in this case due to the reason that he without any instruction or paying slip transferred the money of the informant in the account of Nirmala Kumari.

7. Upon hearing the parties, it transpires to this Court that in paragraphs-37, 38 and 39, it has come that transfer of

account has been made in the account of Nirmala Kumari, only after instruction of the pay slip of the informant, which the informant is denying that it is not his signature.

8. It transpires to this Court that the petitioner being the banker is not the personal beneficiary.

9. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Sri Shivang Shrivastava, Judicial Magistrate, 1st Class, Court No.39, Gaya, in connection with Kotwali (Gaya) P.S. Case No. 384 of 2017, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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