IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71963 of 2024

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

==

Manish Kumar Paswan Son of Sunil Paswan R/O Village Chhoti Chak, Ward no. 12, PS- Gogri, Distt.- Khagaria

... ... Petitioner/s

Versus

1. The State of Bihar
2. Gaurav Kumar S/o Giridhar Gopal Prasad Manager of Bank of India, Branch- Awadh Complex, Rajendra Chowk, P.S. - Khagaria, Distt. - Khagaria

... ... Opposite Party/s

==

Appearance :

For the Petitioner	:	Mr. Ranjeet Patel, Advocate
For the State	:	Mr. Uday Pratap Singh, APP
For the Bank	:	Mr. Amresh Kumar, Advocate

==

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 22-01-2025 Heard learned counsels for the parties.

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

3. As per prosecution case, 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and substance, the allegation is that fraudulently, from the account of DDC, Khagaria, an amount of Rs. 51,67,220/- was withdrawn through 11 cheques and credited in the Account No. 462410110003610 of one Shantanu Kumar and Shantanu Kumar withdrew an amount of Rs. 50,90,000/- in cash through 13 transactions and further an amount of Rs. 24 Lakhs was withdrawn from the account of Shantanu Kumar in between 28.01.2022 to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. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is not named in the F.I.R.. Name of petitioner transpired in this case during course of investigation. At the relevant time, petitioner was posted as Daftari in the Khagaria Branch of Bank of India and his duty was only to keep the records. The only allegation against the petitioner is that being Daftari of the Bank, he was responsible for keeping and filing of the records, which he failed. There is no allegation that this petitioner misappropriated any fund or any money has been transferred in the account of this petitioner. Moreover, similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 16.01.2025 passed in Cr. Misc. No. 71450 of 2024. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the Bank have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that this petitioner, and other co-accused persons, committed fraud. At the relevant time, petitioner was Daftari and it was his responsibility for safe keeping and filing of the records, which he failed.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria P.S. Case No. 632 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

shashank/-

U		T	