IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87535 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- JANDAHA District- Vaishali

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Pawan Kumar Son of Shri Banke Ravidash R/O VILL.- LAKSHMIPUR, P.O.- LAKSHMIPUR, P.S.- LAKSHMIPUR, DISTRICT- JAMUI

... ... Petitioner/s

Versus

1. The State of Bihar
2. Assistant General Manager and Regiona Manager, Bank of Baroda Muzaffarpur Region 2nd Floor, Krishna Hondan Building, Akharaghat Road, Pin- 842001

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv.
	:	Mr. Alok Ranjan, Adv.
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 22-01-2025 1. Heard learned Counsel for the petitioner and learned APP for the State.

2. This application, for grant of anticipatory bail, arises out of Jandaha P.S. Case No. 92 of 2024, disclosing offences punishable under Section 409 and 420 of the Indian Penal Code.

3. As per the First Information Report on 02.4.2024, the Assistant General Manager of Bank of Baroda, Muzaffarpur lodged the FIR alleging the fraud and defalcation of public money by the petitioner and other accused persons. The petitioner was posted as Bank Manager-cum-Operation Officer at Khopi SAFB Hajipur branch. It is further alleged that during

the course of business, it has been observed that some irregularities has taken placed at Khopi branch which was informed to the Regional Office, Muzaffarpur on 05.07.2022 informing that unusual transaction has taken place which was serious in nature and against the bank guidelines. It has also been observed that small amount in between Rs. 300-1200 was debited from several SHG account belonging to other SOL Id. The debit was shown from the account without any cheque or withdrawal made by the account holder. Those amount has been transferred in bank account number 10016308457 standing in the name of Pawan Kumar in the IDFC Bank Ltd. and also in the bank account no. 1690971159 standing in the name of Banke Ravidas at Central Bank of India through NEFT and IMPS, UPI. On several occasion without consent of account holder debit has been made in CC account and amount has been carried outside of bank and later on in order to makeup the debit amount, debit has been made in several CC account of SHG and has been deposited in CC account of SHG from where amount has been sent outside. All such transaction has been made through TTUM Menu. All these transaction has been verified by the Pawan Kumar (petitioner) employee Code No-PK111634 who was then branch head. The total amount involved in the fraud is Rs. 1.59 Crore. During internal enquiry of bank, it transpired that several unauthorized transaction has been made in the branch in several sections. All these transaction has been made to protect the original beneficiary Pawan Kumar.

4. Learned Sr. Counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The allegation with regard to unauthorized debit from various SHG account is not correct and the petitioner was having no knowledge about these transactions. It may be possible that these transactions were made for account roll over purposes or to increase advances but petitioner was not aware of the details. The petitioner was never working as Manager or Branch Manager at SAFB Hajipur. Up till now no account holder has complained about the alleged unauthorized withdrawal of amount from their bank account. The ingredients of criminal breach of trust and cheating are missing in the facts of the allegation.

5. I have heard learned Counsel for the parties concerned and have perused the materials available on record.

6. From perusal of the First Information Report, it transpires that the petitioner at relevant point of time was the Bank Manager in Khopi SAFB Hazipur and financial

irregularities/defalcation took place during his tenure. The money so defalcated was transferred in the personal bank account standing in the name of Pawan Kumar i.e. the petitioner in IDFC bank and also in the name of Banke Ravidas in CBI bank. In the internal enquiry conducted by the bank, the involvement of the petitioner has come to light. Huge amount of public money has been defalcated/misappropriated, accordingly, considering the gravity of the offence and the fact that the petitioner was the Bank Manager posted at the time of fraud and the bail application of Clerk of the bank has been rejected by this Court in Cr. Misc No.77686 of 2024, I am not inclined to exercise my discretion for grant of anticipatory bail.

7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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