

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44346 of 2015

Arising Out of PS. Case No.-484 Year-2015 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

A.k. Bhatia @ Anil Kumar Bhatia S/o Late S.C. Bhatia , at present posted as
Chairman, Madhya Bihar Gramin Bank, Head Office, Meena

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nawal Kishore Sharma Son of late Ram Bachan Sharma, resident of Kila Garhpar, Biharsharif, P.S.- Biharsharif, District- Nalanda, at present Officer Scale-II Under Suspension, having Head Quarter at Madhya Bihar Gramin Bank, Regional Office, Bhabhua.

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 44772 of 2015

Arising Out of PS. Case No.-484 Year-2015 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Manoj Kumar S/O Sri Sachchidanand Sinha at present posted as Branch
Manager, Madhya Bihar Gramin Bank, Branch Office, Keshri Nagar, Patna

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nawal Kishore Sharma son of Late Ram Bachan Sharma, resident of Kila Garhpar, Biharsharif, P.S.- Biharsharif, District- Nalanda, at present Officer Scale-II Under Suspension, having Head Quarter at Madhya Bihar Gramin Bank, Regional Office, Bhabhua

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44346 of 2015)

For the Petitioner/s : Mr. Praveen Prabhakar

For the Opposite Party/s : Mr. Md.Fahimuddin APP

(In CRIMINAL MISCELLANEOUS No. 44772 of 2015)

For the Petitioner/s : Mr. Praveen Prabhakar

For the Opposite Party/s : Mr. Ajay Kumar Jha APP

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

21 06-01-2026

Both these applications are arising out of the same



complaint case, therefore, with the consent of the parties, both the cases are being heard together and are being decided by this common order.

2. Heard the learned counsels for the petitioners and the learned APP for the State.

3. Both these applications have been filed for quashing of the order of cognizance dated 03.08.2015 passed by the learned Judicial Magistrate, 1st Class, Bihar Sharif, Nalanda in Complaint Case No. 484(C) of 2015 by which the learned Judicial Magistrate took cognizance of the offences under Section 342, 504, 506 read with Section 34 of the Indian Penal Code against the petitioner.

4. The complaint in question has been filed by Nawal Kishore Sharma, an Officer Scale II (under suspension) of Madhya Bihar Gramin Bank, against the petitioners. The complainant alleges that he was suspended on the basis of false allegations made by Narayan Prasad, who allegedly entered into a financial dispute with the complainant during his posting as Branch Manager of the Aungari Branch of the Bank.

5. The complainant's case, in brief, is that during his tenure at the Aungari branch, he had closed two fixed deposit accounts of Narayan Prasad and his wife and deposited the



amounts into their savings account. Later, two new fixed deposit accounts of Rs. 50,000/- each were opened in the name of Narayan Prasad. It is alleged that due to a human error, the amounts were not properly transferred to the fixed deposit accounts. On a written application by Narayan Prasad, the amounts were eventually transferred on 03.01.2015.

6. The complainant further alleges that the petitioners, upon becoming aware of these facts, instructed Narayan Prasad to prepare a false application with malicious intent, which was forwarded to the Regional Office, Bihar Sharif. On 16.01.2015, the petitioners allegedly threatened the complainant with suspension and dismissal in the chamber of the Regional Officer and directed the suspension order to be issued. The complainant claims that despite approaching the petitioners for revocation of his suspension, he was avoided. He further alleges that on 27.04.2015, the petitioners demanded a bribe of Rs. 1 lakh from him, which, when the complainant refused to pay, resulted in threats, abuse, and insults.

7. The learned counsel for the petitioners submits that the allegations in the complaint are vague, baseless, and primarily relate to administrative matters and disciplinary action concerning the complainant's suspension. It is further argued



that the allegations do not make out any offence under the provisions invoked by the complainant. He further submits that the petitioners are the higher bank officials who are being prosecuted at the instance of the O.P. No.2 who is a dismissed employee of the bank and his dismissal has been upheld by this Court in a writ proceeding vide C.W.J.C. No. 19650 of 2016 dated 05.04.2023.

8. The learned counsel for the State has vehemently opposed the application of the petitioners.

9. I have heard and considered the submissions of the parties and perused the materials available on record.

10. In the case of *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, the Hon'ble Supreme Court has held that mala-fide prosecution should not be allowed to continue.

11. Upon perusal of the complaint and the materials on record, it is evident that the allegations against the petitioners, even if taken in their entirety, do not disclose any of the offences under Sections 342, 504, 506, or 34 IPC.

12. The present case appears to be a counterblast to the suspension order and departmental proceedings, with no prima facie material to substantiate the allegations of criminal conduct. The continuation of the criminal proceedings would



amount to an abuse of the process of law.

13. In view of the discussions made above and considering the law laid down by the Hon'ble Supreme Court in the case of ***Bhajan Lal (supra)***, both these applications stand allowed. Accordingly, the order of cognizance dated 03.08.2015 passed by the learned Judicial Magistrate, 1st Class, Biharsharif, Nalanda, and the entire criminal proceeding arising therefrom, are hereby quashed.

(Sandeep Kumar, J)

Shishir/-

U			
---	--	--	--

