

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36650 of 2016

Arising Out of PS. Case No.-3411 Year-2015 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Rita Kumari W/o Shri Vijay Kumar Singh at present The Branch Manager
State Bank of India, Anjanpir Branch, Hazipur Vaishali

... .. Petitioner/s

Versus

1. State Of Bihar
2. Smt. Lalita Singh D/o Late Shyam Nandan Singh Village- Dhanushi, East
Tola, P.S.- Kartaha, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh, Adv. Mr. Anubhav Verma, Adv.
For the State	:	Mr.Sri Madan Kumar, APP
For the O.P. No.2	:	Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 27-01-2026

I.A. No. 01 of 2025

The instant interlocutory application has been filed by the petitioner with a prayer to amend the relief portion of the petition by adding additional relief after the last sentence of paragraph no.1 of the main petition.

2. It is submitted by the petitioner's counsel that the instant Cr. Misc. petition has been filed with a prayer to quash the order dated 30.04.2016 passed by learned Chief Judicial Magistrate, Vaishali at Hajipur in Complaint Case No. 3411 of 2015 whereby cognizance of the alleged offences has been taken and after filing of the petition, the petitioner realised that in



view of the nature of the allegation, the entire criminal proceeding should be quashed and therefore, by way of this I.A., the petitioner has made a prayer to quash the entire criminal proceeding in connection with Complaint Case No. 3411 of 2015 by adding the said additional prayer in the main petition.

3. There is no opposition to the aforesaid prayer.

4. Having heard both the sides, this Court allows the prayer of the petitioner made in paragraph No. 1 of the instant I.A.

Cr. Misc. No. 36650 of 2016

5. This application under section 482 of the Code of Criminal Procedure (in short 'CrPC') has been filed by the petitioner with a prayer to quash the order dated 30.04.2016 passed by the learned Chief Judicial Magistrate, Vaishali at Hajipur in Complaint Case No. 3411 of 2015 whereby and whereunder cognizance of the offences punishable under sections 406 and 420 of the IPC has been taken against the petitioner as well as to quash the entire criminal proceeding having arisen out in the light of the said cognizance order against the petitioner.

6. Mr. Santosh Kumar Singh, learned counsel for the petitioner, submits that the petitioner was the then Branch



Manager of Anjanpir Branch of State Bank of India (SBI) and the allegations levelled by the O.P. No. 2 in her complaint are completely baseless and is based on suspicion only. It has been alleged by the complainant/O.P. No. 2 that on the alleged day, she withdrew Rs. 20,000/- by using ATM facility from the ATM concerned and upon checking her bank statement, she found that Rs. 40,000/- had been debited from her bank account despite withdrawing Rs. 20,000/- only by using ATM facility. Merely, on account of such alleged excess withdrawal of Rs. 20,000/- from the bank account of O.P. No. 2 by someone, the O.P. No. 2 suspected the petitioner, a bank official of being involved in the commission of the said wrong. But while suspecting, she did not reveal any ground or cogent material and further, for redressing the grievance of the complainant/ O.P. No.2, there was prescribed procedure and mechanism in the SBI and the same was not availed by the complainant. It is further submitted that from the concerned ATM booth where the complainant withdrew Rs. 20,000/-, the petitioner's branch was situated around at the distance of 1½ kms and by no stretch of imagination, the petitioner can be held liable for the alleged withdrawal.

7. On the other hand, Mr. Niraj Kumar, the learned



counsel appearing for the O.P. No. 2, submits that in the alleged wrong in respect of the withdrawing of Rs. 20,000/- from the bank account of O.P. No.2, the petitioner was involved as no action was taken by her when the O.P. No. 2 approached the branch of the concerned bank and there is sufficient material to attract the alleged offences.

8. Heard both the sides and perused the relevant materials. The allegations levelled by the O.P. No. 2 in her complaint are completely based on suspicion and appear to be absurd in nature and by way of complaint as well as the statements of the inquiry witnesses, the complainant has failed to demonstrate the petitioner's role even *prima facie* in the commission of the alleged withdrawal of Rs. 20,000/- and the continuation of the criminal proceeding against the petitioner will frustrate the ends of justice and further, the same will be the abuse of the process of law.

9. Considering all these facts, this Court finds merit in this petition and the trial court summoned the petitioner for the alleged offences of which cognizance has been taken by impugned order in mechanical manner, so, the same is not sustainable in the eyes of law. Accordingly, the order impugned dated 30.04.2016 as well as the entire criminal proceeding



arising out of the Complaint Case No. 3411 of 2015 against the petitioner are hereby set aside and quashed.

10. In the result, the instant criminal miscellaneous petition stands allowed.

11. During the course of arguments, it is submitted by the petitioner's counsel that O.P. No.2 may be directed to approach the bank for redressal of her grievance with regard to the alleged withdrawal of Rs. 20,000/- from her bank account.

12. Considering the aforesaid submission, the O.P. No.2 is given a liberty to approach the concerned branch of the bank for redressal of her grievance and if she does so and files an application before the concerned branch within four weeks from the date of this order then the concerned branch will take a lenient view as per procedure prescribed by the bank and take steps to redress the grievance of O.P. No.2 within three months from the date of filing of such application.

(Shailendra Singh, J)

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