

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56168 of 2015

Arising Out of PS.Case No. -578 Year- 2015 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

Gunjan Gupta @ Gunjan S/o Late Madan Mohan Prasad, aged about 37 years Branch Manager, HDFC Bank Ltd. , Branch- Begusarai Thana- Nagar, District- Begusarai, Bihar. at present posted at Shop No. 4, Keshav Palace, Khajpura, Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar, S/o- Rajnikant Paswan R/o- Pokhdiya, Ward No. 36, P.S.- Nagar, District- Begusarai.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh

For the Opposite Party/s : Mr. Kr.Ranjit Ranjan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 10-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the Branch Manager of HDFC Bank is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323 of the Indian Penal Code and 3(1)(x) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the complainant entered into an agreement with regard to loan with HDFC Bank for purchase of Tata Sumo Grande vehicle. The



accused persons took few blank cheques from the complainant as a security against the loan amount in case of failure in repayment of installments but due to the illness father of the complainant he defalcated in repayment and thereafter the possession of the vehicle was taken by the bank on 27.05.2014. Thereafter the accused persons went to the house of the complainant on 14.12.2014 and told the complainant to make payment of Rs.1,50,000/- when the complainant paid Rs.50,000/- and thereafter he also made payment of remaining due amount of Rs.1,00,000/- when the complainant demanded no dues certificate then co-accused Subhash Kumar threatened the complainant on the point of pistol and abused by calling caste name. The petitioner and co-accused Subhash Kumar took signature of the complainant of blank papers and again abused by calling caste name.

It is submitted by learned senior counsel for the petitioner that as per the own admission of the complainant the complainant took a Tata Sumo Grande vehicle financed through the bank of the petitioner, when he defalcated in repayment of the loan amount required action was taken as per the banking procedure and in retaliation to that the present case has been lodged with frivolous accusation. Due to the

defalcation in making payment the bank took the possession of the vehicle on 27.05.2014 when the present complaint was lodged on 10.02.2015.

Considering the fact that prima facie it appears that in the background of action taken by the petitioner due to the default in repayment of the loan by the complainant the present accusation has been levelled, let the above named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Begusarai in connection with Complaint Case No. 578-C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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