

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8919 of 2016

Arising Out of PS.Case No. -16 Year- 2012 Thana -C.B.I CASE District- PATNA

1. Atul Kumar son of Late Jugal Kishore Prasad resident of Lane No.2,
Bank Colony, Gola Road, P.S. Danapur, District- Patna

.... Petitioner

Versus

1. State of Bihar Through C.B.I.

.... Opposite Party

Appearance :

For the Petitioner : M/S Ram Kumar Singh & Ajit Kumar , Advs.

For the CBI : Mr. Sanjay Kumar (SC/CBI)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

12 30-08-2016

Heard the learned counsel for the petitioner and the
counsel appearing for the Central Bureau of Investigation.

The petitioner is an officer of the Punjab National Bank, SME Branch, East Boring Canal Road, Patna, who is apprehending his arrest in connection with Special Case No. 9 of 2012, RC 0232012 A 0016, dated 27.07.2012, registered under Sections 120B, 420, 409, 467, 468 and 471 of the Indian Penal Code and 13(2) read with 13(1)(c)(d) of the Prevention of Corruption Act.

The learned counsel for the petitioner submits that he was one of the persons through whom the loan sanctioned was routed. The allegation against him is that he acted as the recommending authority for sanctioning the loan to a party, which was inherently wrong as the title deeds deposited by him on behalf of his guarantor were not in his name rather they were sham documents and were taken as security in the Bank for sanctioning the loan. The learned counsel for the petitioner, however, submits that this petitioner, as Bank's official, had taken the necessary precaution of obtaining a legal opinion from the concerned Bank's



Lawyer, which was placed before him and on consideration of the legal opinion report by the Lawyer, the petitioner proceeded to process the loan and make the necessary recommendation which was then placed before the Branch Manager for final approval of the loan application. The learned counsel for the petitioner, further, submits that on account of the present case the petitioner has already placed under suspension and is facing departmental proceeding. The said departmental proceeding has also ended against the petitioner and he has been imposed with the punishment, but, he has not been dismissed from service, as such, the petitioner is still continuing with the Bank and is not likely to abscond. It is, further, submitted that the materials which form part of the investigation have already been seized by the Central Bureau of Investigation and, therefore, he is not likely to tamper with the evidence, if any, available in the Bank. The learned counsel for the petitioner has also referred to Annexure 5, which is an order passed by Special Vigilance Court by which the Advocate, Sri Ravi Bhushan Singh, has been extended privilege of anticipatory bail as he had given the legal opinion report for sanctioning the loan and accepting the title deeds as document/valuable security.

The learned counsel for the Central Bureau of Investigation is present and has opposed the application stating that another co-accused has not been granted anticipatory bail and was taken into custody.

However, after consideration of all facts and circumstances of the case and that the petitioner had acted only as the recommending authority and had based his recommendation on the legal opinion report of the concerned Lawyer, let the

petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with the Special Case No. 9 of 2012, RC 0232012 A 0016, dated 27.07.2012 to the satisfaction of the Special Judge, Central Bureau of Investigation, I, Patna, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

It is made clear that the petitioner shall appear in the Court below and accept the papers as charge sheet has already been submitted in the case. It is also made clear that the petitioner shall make himself available on relevant date and shall not absent himself from the Court for two consecutive dates without any justifiable cause. In case he absents himself, the petitioner shall be exposing himself to further action, including application for cancellation of anticipatory bail. It is also made clear that one of the blood relatives of the petitioner shall be his bailors, who shall keep the Court informed about the whereabouts of the petitioner and/or any change in address, even after the petitioner's superannuation from service.

(Anjana Mishra, J)

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