

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27429 of 2017

Arising Out of PS.Case No. -9 Year- 2015 Thana -C.B.I CASE District- PATNA

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1. Dharmendra Kumar Albela
2. Surendra Kumar Yadav
3. Sunil Kumar
4. Sushil Kumar, All sons of Late Dev Nandan Yadav, Resident of Village-
Dihuri, P.O.- Corap, P.S.- Conch, District- Gaya.

.... Petitioner/s

Versus

1. The Central Bureau of Investigation through Addl. Superintendent of
Police CBI/ACB Patna.

.... Opposite Party/s

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with

Criminal Miscellaneous No.33719 of 2017

Arising Out of PS.Case No. -9 Year- 2015 Thana -C.B.I CASE District- PATNA

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1. Smt. Vinita Sharma @ Binita Sharma, D/o Late Nagendra Sharma @
W/o Niranjan Kumar Prop. of M/s Maa Tara Tractors Gaya.
2. Niranjan Kumar Son of Sri Umesh Singh, Prop. of M/s Maa Tara
Enterprises, Gaya, Both R/o Magadh Colony, Road No.5, P.S.- Medical
College, Gaya.

.... Petitioner/s

Versus

1. The State of Bihar Through C. B. I. , Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.27429 of 2017)

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Opposite Party/s : Mr. Sanjay Kumar (SC,CBI)

(In Cr.Misc. No.33719 of 2017)

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar (SC,CBI)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

8 29-11-2017

Cr. Miscellaneous No.27429 of 2017

At the very outset of the argument, the learned counsel



for the petitioners submits that he may be permitted to withdraw the anticipatory bail petition of petitioner No.1, Dharmendra Kumar Albela who is said to have mortgaged his joint family property and on such, loan was sanctioned for purchase of a Mahendra tractor.

Prayer is allowed. Anticipatory bail petition of Dharmendra Kumar Albela is dismissed as withdrawn.

Heard both sides.

The learned counsel appearing on behalf of the petitioners apprehend their arrest in RCO 2320-15 A0009 of 2015 registered under Section 120B read with Section 420, 193 of I.P.C. and under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

The learned counsel for the petitioners submits that the petitioners are the brothers of Dharmendra Kumar Albela. They did not mortgage the property. Eldest brother, Dharmendra Kumar Albela had mortgaged the property. Now, the petitioners are ready to deposit the money in the Bank said to have been advanced for purchasing Mahendra tractor.

The learned counsel for the C.B.I. vehemently opposed the prayer for anticipatory bail.

Taking into consideration that the petitioners did not



mortgage any property but his brother, Dharmendra Kumar Albela mortgaged the property measuring 7.51 acres. Still 6.51 acres land is available. Dharmendra Kumar Albela is ready to deposit the entire money borrowed by him for purchase of Mahendra tractor.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioner Nos.2 to 4, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.(C.B.I.), Patna in connection with RCO-2320-15 A009 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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The learned counsel for the petitioner submitted that Petitioner No.2, Niranjana Kumar has already been arrested. Accordingly, prayer for anticipatory bail of petitioner No.2, Niranjana Kumar is dismissed as it has become infructuous.

Heard both sides.

The petitioner No.1, Vinita Sharma apprehend her arrest in R.C. 9(A) of 2015 registered under Section 120-B read



with Section 420, 193 of I.P.C. and under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

The gist of the allegation that the petitioner being proprietor of M/S Maa Tara Tractor entered into the conspiracy with Mr. Dharmendra Kumar Albela and submitted quotation for purchasing a Mahendra tractor from the showroom of the petitioner. The State Bank of India advanced loan of Rs.4 lacs on 08.12.2012 through draft and the same was also encashed. Mr. Dharmendra kumar Albela never deposited Rs.1.66 lacs with the petitioner.

The learned counsel for the petitioner submits that petitioner is the proprietor of Mahendra tractor. Petitioner did not hand over any tractor to Dharmendra Kumar Albela. Her husband, Niranjana Kumar had given one A.C.E. tractor to Dharmendra Kumar Albela. The petitioner is ready to deposit the amount of loan encashed by her in the account of the State Bank of India. Petitioner has already deposited Rs.2 lacs. It is further submits that the petitioner shall deposit the remaining amount within two months.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner No.1, above named, in the event of her arrest or surrender before the learned



court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I-I, Patna in connection with Case No.R.C.9(A) of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner fails to deposit the remaining amount of loan within two months in the account of State Bank of India, the bail bond of the petitioner shall be cancelled.

(Prabhat Kumar Jha, J)

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