IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17082 of 2016

Arising Out of PS.Case No. - 43 Year- 2016 Thana -BUXAR District- BUXAR
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Harendra Kumar Shukla, son of Late Kamla Prasad Shukla, resident of Village Gaytri Nagar, Jail Road, Buxar, P.S. Buxar Town, District Buxar.

.... Petitioner

Versus

1. The State of Bihar
2. Anand Mohan Raman (Branch Manager, Bank of Baroda), son of Yaduvansh Narayan Das, resident of village Kamrouli, P.S. Simri, District Darbhanga, at present Branch Manager, Bank of Baroda, Buxar, P.S. Buxar (Town), District Buxar.

.... Opposite Parties
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Appearance:

For the Petitioner	:	Mr. Digvijay Kumar Ojha, Advocate
For the State	:	Mr. Matloob Rab, APP-34
For the OP No. 2	:	Mr. Vivek Parasad, Advocate
		Mr. Kamal Kishore Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 07.02.2017 Heard learned counsel for the petitioner, learned APP for the State and learned counsel appearing on behalf of the Bank.

2. The petitioner apprehends his arrest for the offences alleged under Sections 467, 468, 471, 472, 409, 419, 420 and 34 of the Indian Penal Code registered in connection with Buxar Town P.S. Case No. 43 of 2016.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and as a matter of fact, fraud has been played by the then Senior Branch Manager of the Bank of Baroda, Buxar (Sri Manoj Kumar) in collusion with Sri Deepak Kumar Rai, proprietor of M/s Mahaveer Motors, Varanasi for

embezzlement of the loan amount of Rs. 16.00 lakhs. As a matter of fact, the petitioner's earlier loan application in the year 2013 had been rejected and the petitioner had never applied for a loan for purchase of JCB machine in 2014 as alleged. There is considerable delay of about two years in registering the First Information Report on 06.02.2016. There is no material to show that the demand draft had been received by the petitioner or that he had withdrawn the amount of demand draft. It is submitted that all the documents for obtaining loan are forged and fabricated and the petitioner has no concern with the same. The proprietor of M/s Mahaveer Motors, Varanasi, Sri Deepak Kumar Rai as well as his wife Smt. Pikesh Rai @ Pinkesh Rai have been granted anticipatory bail by this Court in Cr. Misc. No. 14632 of 2016 in connection with similar transaction relating to loan having been deposited through mis-representation in an account opened in the name of M/s Mahaveer Traders, Varanasi which was said to be their account, on the basis of their having expressed their willingness to pay the entire amount in question within a reasonable time.

4. Learned counsel for the OP No. 2 (Branch Manager, Bank of Baroda, Buxar) appears and opposes the application for anticipatory bail of the petitioner. He submits on the basis of the counter affidavit that there is sufficient material to indicate the petitioner's involvement in the fraudulent transaction, beginning

from the quotation for the JCB machine dated 09.07.2014 which has been signed by the petitioner on behalf of M/s Mahaveer Enterprises, Varanasi, as well as various documents furnished for obtaining the loan, all duly signed by the petitioner. It is also noticed that the petitioner as well as the petitioner no. 2 of Cr. Misc. No. 12215 of 2016 against whom similar accusations have been made are own brothers and is submitted that these persons along with others have been acting in tandem and in conspiracy with one another.

5. It is in this background that this case was treated as special case by the Superintendent of Police in Special Case No. 87 of 2016 (para 13 of the case diary).

6. Learned APP invites attention to para 53 of the case diary according to which an amount of Rs.16,00,000/- was received and credited on 15.07.2014 into the savings account no. 31200100017543 of the petitioner and together with an amount of Rs. 6,10,000/- by way of margin money from the said account, an aggregate amount of Rs. 22,10,000/- was remitted through three bank drafts into the loan account No. 31200600000381. In para 54 of the case diary it is stated that Rs. 1,10,000/- has been deposited variously on different dates from the aforesaid savings account into the loan account during the period falling between 14.08.2014 and 30.06.2015 towards partial repayments.

7. Be that as it may, having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Bail petition stands dismissed.

(Vikash Jain, J)

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