

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41924 of 2017

Arising Out of PS.Case No. -317 Year- 2016 Thana -AGAMKUAN District- PATNA

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Kumar Gaurav, Son of Raju Prasad, Resident of Mohalla- Dhirachak, P.S.
Gardanibagh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Abhay Kumar, Advocate.
For the State: Mr. Shyameshwar Dayal, A.P.P.
For the Informant : Mr. Mayank Shekhar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner in the present case is seeking
anticipatory bail in connection with Agamkuan P.S. Case No.
317/2016 registered for offences punishable under Sections 419,
420, 408, 467, 468, 471, 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the
Bank, which granted financial support to the petitioner for
purchase of vehicle, has no grievance as the petitioner is regularly
paying installments and has already returned Rs. 3,50,000/-.
Further, it is the submission of the learned counsel that the money
was taken back because the vehicle was not delivered to the
petitioner as he had no PAN CARD and, in any case, the payment



has been made by the employees of the informant company, who have been in one of the cases granted privilege of anticipatory bail. In sum and substance, the submission is that this petitioner has not committed any misappropriation of money and, therefore, he deserves the privilege of anticipatory bail. Learned counsel for the petitioner also produced a copy of the order dated 13.09.2017 passed by a co-ordinate bench of this Court in Cr. Misc. no. 38311/2017 (Dilip Kumar Vs. The State of Bihar) in which the petitioner of the said case was granted anticipatory bail.

On the other hand, learned counsel representing the informant submits that the *modus operandi* of this petitioner and some other persons was to get the loan sanctioned from a Bank or a Finance Company on the basis of the quotation obtained from the informant and then after obtaining Bank draft, the same was deposited in the A/C of the Company but instead of taking delivery of the vehicle, with the help and in connivance with some of the employees, the money was refunded to the petitioner. This, in the submission of the learned counsel for the informant, is a case of fraud, not only duping the Finance Company but also this informant by misusing the quotation obtained from the informant.

Learned A.P.P. for the State opposed the prayer for anticipatory bail and submits that in fact the co-ordinate bench of



this Court granted anticipatory bail to the petitioner Dilip Kumar by assuming that the Finance Company, namely, Magma Finance Corporation Limited in the said case had no grievance at all but the fact remains that the said Magma Finance Corporation Limited was not represented before the co-ordinate bench and, therefore, this submission of the petitioner in the present case that the same benefit be allowed to him is not fit to be accepted in absence of the Bank. Moreover, he submits that the *modus operandi* adopted by the petitioner clearly indicates that he is involved in commission of an organized crime whereunder finances were being obtained for purchasing of vehicles but those were being used for personal purposes by taking refund of the same in connivance with some of the employees of the informant. Co-accused Sashi Sekhar has been granted regular bail.

I have considered the entire materials on the record. In the nature of the allegations, this Court is not inclined to grant anticipatory bail to the petitioner in connection with Agamkuan P.S. Case no. 317/16.

The application is accordingly dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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