IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6568 of 2018

Arising Out of PS.Case No. -457 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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1. VED PRAKASH RAJAN, S/o Jagdish Chandra Das, R/o A/25, Magistrate Colony, Ashiana Nagar, P.S.- Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Manager, IDBI Bank, Ltd, Uma Complex, Fraser Road, Patna
3. Parvati Devi, w/o Dadan Singh, resident of Chand Mari, P.S.- Shapur, District-Patna.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party No.1: Mr. S. Ehteshamuddin, APP
For the Opposite Party No.2: Mrs. Sheela Sharma, Advocate
For the Opposite Party No.3: Mr. Praveen Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8/ 03-07-2018 Heard learned counsel for the petitioner, learned APP for the State, learned counsel for the Informant as well as counsel for the Bank.

Petitioner apprehends his arrest in **Gandhi Maidan P.S. Case No.457 of 2016** instituted for the offence under Section(s) 406, 420, 467, 468, 471, 120-B Indian Penal Code pending in the Court of the **Sub-Judge VI-cum-Additional Chief Judicial Magistrate, Patna.**

It is alleged in the written report that this petitioner was known to the Informant. The informant received demand notice from the IDBI Bank and on enquiry she learnt that this petitioner has taken loan from the IDBI Bank after mortgaging

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the house of the informant. With regard to aforesaid land and house, the petitioner got executed one forged sale deed by impersonating another lady in which witness is Ashok Kumar.

Counter Affidavit has been filed on behalf of the Bank, wherein, Bank has filed original application submitted by this petitioner for sanction of loan, which is annexed as Annexre-S/5 to the Supplementary Counter Affidavit. It has been submitted in the aforesaid Supplementary Counter Affidavit that petitioner along with his wife, namely, Sanju Sinha, had submitted loan application form with the Bank requesting for sanction of loan of Rs.85,00,000/- for purchase of property from the Informant and accordingly, loan of Rs.56.80 lac was sanctioned. Loan Agreement was also executed between the petitioner and her wife as borrower and co-borrower respectively and the Bank. Copy of loan application, sanction letter and loan agreement has been annexed with Supplementary Counter Affidavit as Annexure- S/5, S/6 and S/7.

Counsel for the Informant has appeared and submitted that from the statement of accounts of the Bank, which has been filed by the Bank, it appears that entire amount of loan, which has been released by the Bank, has been transferred to the account of the petitioner. The petitioner has misappropriated the

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amount and has committed forgery and cheating with the Bank as well as with the Informant.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected.**

(Sanjay Priya, J)

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