IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61136 of 2017

Arising Out of PS.Case No. -194 Year- 2014 Thana -GANDHIMAIDAN District- PATNA

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Ranvijay Kumar Singh @ Ranvijay Singh, S/o Late Baidyanath Pd. Singh, Resident of Biharisao Lane, Muradpur, P.S.- Pirbahore, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vitesh Kumar Singh, Advocate.
For the Informant : Mr. Daya Nand Singh, Advocate.
Mr. Nagdeo Choubey, Advocate
For the State : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-04-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in **Gandhi Maidan P.S. Case No. 194 of 2014** instituted for the offence under Sections 420, 468, 471 and 406 of the Indian Penal Code.

There is allegation in the written report that HDFC Bank after completing all formalities, approved loan for 25 trucks of the Tata Motor Ltd. on 8.7.2011, in favour of the petitioner. The petitioner was not paying the EMI of 25 trucks since December, 2013. The Bank repeatedly told to deposit the EMI but petitioner did not deposit the installment. The Bank on verification in regard to registration of 25 trucks from DTO Patna, found that out of 25 trucks, in the registration of 12 trucks, which was mentioned in the owner book was financed by Tata Motor Finance Patna. Out of 12 trucks, 10 trucks were seized by the bank which were parked at Chennai. The informant further alleged that petitioner has fraudulently mentioned financer of his trucks in DTO as Tata Motor Finance Ltd. in place of HDFC Bank and he has grabbed the rest amount of his bank.

Learned counsel for the petitioner has submitted that after receiving approval letter of the loan, the petitioner wrote letter to the Bank on 6.7.2011 requesting disbursal of the loan amount in his current account No. 04772560002185 for financing of 25 TATA LPS 3518 and the Bank disbursed an amount of Rs.3,56,20,445.80 only on receipt of the letter from the petitioner vide account No. 04772560002185. The petitioner on receiving the said amount, bought 13 specified vehicles as per the amount available. It has further been submitted that the Bank iself has committed irregularities. The informant only in order to harass the petitioner, has filed this false case against him. It has further been submitted that for such fraudulent act of the bank and other officials of the Bank, Gandhi Maidan P.S. Case No. 213 of 2017 dated 19.04.2017 has been filed by the petitioner.

In such circumstances, this Court finds that this is a matter of dispute between the petitioner and Bank with regard to loan amount.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Gandhi Maidan P.S. Case No. 194 of 2014**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **Smt. Supriya Goswami, learned Judicial Magistrate, 1st Class, Patna**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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