IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14963 of 2018

Arising Out of PS.Case No. -311 Year- 2017 Thana -KADAMKUAN District- PATNA

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1. Sanjay Kumar Singh @ Sanjay Singh, S/o Mahesh Prasad Singh, R/o Flat No. 609, Rameshwar Apartment, Bhootnath Road, Near Pandey Motor, P.S.- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prasant Kumar Singh, S/o Gaurishankar Singh, R/o Village- Koriyawa, P.O.- Sherampur, P.S.- Janipur, District- Patna.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Rajkishore Singh, APP
For the Informant : Mr. Kumar Rajeev, Advocate
: Mr. Binay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 23-07-2018

Heard learned counsel for the petitioner and learned APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Kadamkuan P.S. Case No.311 of 2017** instituted for the offence under Section(s) 467, 468, 469, 471, 406 and 420/34 Indian Penal Code pending in the Court of the learned **Sub-Judge-VII-cum-Additional Chief Judicial Magistrate, Patna.**

It is alleged that the Informant is Proprietor of M/s Mongodies Enterprises. He met accused No.1, Niraj Kumar, who is the Branch Manager of Vijaya Bank, Kadamkuan Branch, Patna, for grant of business loan. Branch Manager introduced the informant with the petitioner and stated that the petitioner will help him in grant of loan. As per direction, the Informant deposited the entire required document. Accordingly, a cash credit loan account was opened with loan of Rs.55 lac. On the direction of accused persons, the informant gave four cheques duly signed without filling up the name, amount and date. The informant also signed on several other documents. On 24.12.2015, the informant withdrew Rs.15 lac. Again, after three months, when he wanted to withdraw amount from the account, then he learnt that accused No.1, Neeraj Kumar, in conspiracy with other accused persons have withdrawn Rs.35 lac and transferred the same in account of the Petitioner through RTGS as mentioned, in detail, in para 6 of the Complaint Petition. Amount of rupees five lac was also transferred in the account of Suman Kumar.

The counsel for the petitioner further submits that Branch Manager, Neeraj Kumar, has already been granted anticipatory bail by co-ordinate Bench of this Court by order dated 2.02.2018 passed in Cr. Misc. No.5448 of 2017.

From the written report, it is apparent that aforesaid amount of Rs.35 lac was transferred in the account of this petitioner from the loan account of the informant through RTGS.

On the last date, counsel for the petitioner had submitted that the petitioner is inclined to make payment of the amount to the Opposite Party No.2, but today, counsel for the petitioner submits that he is not in a position to make payment.

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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