

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28031 of 2019

Arising Out of PS. Case No.-9 Year-2015 Thana- C.B.I CASE District- Patna

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DHARMENDRA KUMAR ALBELA S/o Late Dev Nandan Yadav, Resident
of Village-Dihuri, P.O-Korap, P.S.-Konch, District-Gaya.

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION THROUGH
ADDITIONAL SUPERINTENDENT OF POLICE, CBI/ACB

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Bipin Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-07-2019 Heard both sides.

The petitioner apprehends his arrest in RC IX(A) of 2015 registered under Sections 120B, 420 and 193 of the Indian Penal Code read with Sections 13(2), 13(i)(d) of Prevention of Corruption Act.

Learned counsel for the petitioner submits that on 29.11.2017 after some argument, learned counsel for the petitioner sought permission to withdraw the anticipatory bail petition of the petitioner accordingly, his anticipatory bail petition was dismissed as withdrawn on 29.11.2017 in Cr. Misc. No.27429 of 2017. Learned counsel for the petitioner submits that petitioner is innocent. The petitioner filed CWJC No.6184 of 2014 for release of tractor and by order dated 14.10.2014, the



High Court of Patna was pleased to direct competent authority of C.B.I. to institute and conduct a preliminary inquiry in the whole episode for grant of agricultural loan for the purpose of purchasing tractor after obtaining loan from State Bank of India, Tekari Branch and P.N.B., Gurua. It is further submitted that C.B.I. instituted the present case against the petitioner and others. The petitioner is alleged to have got the loan sanctioned from State Bank of India, Tekari Branch on the basis of quotation of Mahendra Tractor from authorized dealer, M/s Ma Tara Enterprises. The loan was sanctioned. Draft was issued but the owner of the M/s Ma Tara Enterprises encashed the draft and supplied A.C.E. made tractor to the petitioner which was later on seized by the Bank. It is further submitted that no case under Section 406, 420, 468 and 471 I.P.C. is made out. The petitioner mortgaged land measuring 6.51 acres which was sufficient for loan of Rs.4 lacs. Vinita Sharma has already deposited the loan amount but it appears that prayer for anticipatory bail of the petitioner was dismissed on 29.11.2017 but the petitioner did not surrender in the Court for more than 1½ years. It appears that petitioner filed CWJC No.6184 of 2014 and also sworn false affidavit that the petitioner had already deposited the entire loan amount. It also transpires that the petitioner fraudulently



obtained loan by mortgaging the land of joint family showing the same to be his own and also tried to dupe this Court by swearing false affidavit that the petitioner had deposited loan amount.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below for grant of regular bail, learned court below shall consider the regular bail of the petitioner on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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