

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29856 of 2019

Arising Out of PS. Case No.-1439 Year-2017 Thana- SASARAM NAGAR District- Rohtas

ANAND JAISWAL Son of Late Sushil Jaiswal, Resident of Mohalla-
Company Sarai, Police Station- Sasaram (Model), District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar
2. The Chief Manager, Bank of Baroda, Sasaram Branch, New House Market,
G.T. Road Sasaram. P.S.- Sasaram, District- Rohtas, 821115

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Satyavrat Verma, APP
For O.P. No. 2	:	Mr. Nish Nath Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-08-2019 This application, for grant of anticipatory bail, arises

out of Sasaram (Town) P.S. Case No. 1439 of 2017, disclosing

offences under Sections 406, 420, 467, 471 and 34 of the Indian

Penal Code.

Prosecution case as per F.I.R. lodged by the Chief
Manager, Bank of Baroda in short is that co-accused Sanjay
Kumar, Proprietor of M/s Saraswati Enterprises and M/s Satya
Enterprises obtained the loan of Rs. 2,77,00,000/- and Rs.
1,55,00,000/- and mortgaged the properties, which were in his
name and in the name of his mother, brother and uncle but on
enquiry, two properties were found already sold. It has also been
alleged that on 30.09.2015, five demand drafts of Rs. 43,83,000
out of sanctioned loan of Rs. 50,33,000/- was prepared in the



name of Yash Vision for purchasing six LCD an supply of Air Conditioners of 110 Tonnes and the petitioner happens to be the owner of said Yash Vision and thus it is alleged that the co-accused Sanjay Kumar in collusion with this petitioner cheated the bank and misappropriated and diverted the loan amount.

Submission of learned counsel for the petitioner is that for recovery of the loan amount a case under SARFAESI Act has been initiated and the total amount has already been deposited and consider the same, co-accused Sanjay Kumar and other accused persons have already been granted privilege of anticipatory bail by the different coordinate Benches of this Court vide order dated 26.03.2019 passed in Cr. Misc. No. 18051/19, vide order dated 02.05.2019 passed in Cr. Misc. No. 16046/19 as well as vide order dated 17.06.2019 passed in Cr. Misc. No. 36984/19. Further submission is that this petitioner has falsely been implicated in this case and he has no concern with the allegation.

Heard learned A.P.P. as well as learned counsel appearing on behalf of the Bank of Baroda opposed the prayer for bail and submitted that the petitioner and co-accused persons in conspiracy of each other has misappropriated and diverted the loan amount. However, he could not controvert the fact that a



case under SARFAESI Act was initiated for recovery of the amount in question.

Having heard both sides, in view of the above facts, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas, in connection with Sasaram (Town) P.S. Case No. 1439 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

sunilkumar/-

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