IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35077 of 2019

Arising Out of PS. Case No.-951 Year-2017 Thana- NAWADAH COMPLAINT CASE District- Nawada

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Amit Kumar, aged about 35 years (Male), son of Ravindra Kumar Vishwakarma, Resident of Mounghroura, P.O. Jamalpur, P.S. Jamalpur District-Munger, at present senior Branch Manager P.N.B. Main Branch Nawada District Nawada

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-06-2019 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail on apprehension of being arrested in connection with Complaint Case No. 951 of 2017 filed in the Court of the learned Chief Judicial Magistrate, Nawada under Section 420 and other Sections of the Indian Penal Code. Cognizance has been taken against the petitioner under Sections 420, 504 and 506 of the Indian Penal Code.

As per the allegations in the complaint, the complainant opposite party no. 2 who is the proprietor of A.B. Industries had applied for a loan. A loan of Rs. 31.20 lacs was sanctioned by the Head Branch of the Punjab National Bank at Biharsharif.

However, it is alleged that the then Branch Manager of the Nawada Branch illegally got a mortgage deed executed by the father-in-law of the complainant. It is further alleged that he took a sum of Rs. 5 lacs for preparing the documents and further a sum of Rs. 52,000/- was illegally withdrawn from the account of the complainant's husband.

It is submitted by learned counsel for the petitioner that an application for grant of loan had been submitted by the complainant on 15.12.2016 for establishing the factory. A simple mortgage deed was executed by the guarantor. As the nature of land was agricultural, the complainant placed a certificate of land conversion. The said certificate was sent to the Circle Officer, Nawada for verification. The Sub-Divisional Officer wrote a letter no. 572 dated 01.09.2017 (Annexure 4 to the application) to the Branch Manager of the Punjab National Bank stating that the said conversion certificate had not been issued from the office of the Sub-Divisional Officer. It was further submitted that ultimately an electronic communication was sent by the Bank to the complainant stating that her application had been rejected due to submission of fake and fabricated documents. It is further submitted by the learned counsel for the petitioner that the allegations of taking of Rs. 5 lacs are false and concocted and so far as the sum of Rs. 52,000/- is concerned, from the voucher of the Punjab National Bank brought on record as Annexure 5/1 to the application, it would transpire that a sum of Rs. 51,903/- had been credited in favour of the P.N.B. Met India Insurance Life Corporation and the said voucher contains the signature of the complainant's husband namely, Aditya Kumar Azad. It is finally stated that the petitioner is a responsible officer working in the Punjab National Bank and it is as a result of the verification of documents etc., with respect to the complainant's application that the instant complaint was filed making false and frivolous allegations.

Application was opposed by the learned counsel for the opposite party no. 2 supporting the allegations made in the complaint to the effect that in spite of the complainant's application for loan of Rs. 31.5 lacs having been cleared by the Head Branch of the Punjab National Bank at Biharsharif, still the petitioner took a sum of Rs. 5 lacs, another sum of Rs. 52,000/- and also got the complainant's father-in-law to execute a deed of mortgage which was not required.

The application for bail was also opposed by the learned APP for the State.

Having heard the learned counsel for the petitioner, the learned counsel for the opposite party no. 2 and the learned APP for the State and on perusal of the records of the case, one allegation in the complaint that does not appear to be explained is that when, as per the case of the complainant, her application for loan of Rs. 31.5 lacs had been cleared by the head office of the Punjab National Bank, then why would she pay a sum of Rs. 5 lacs illegally demanded by the petitioner for preparation of documents. The complainant has also not brought on record as to what steps she took with the head office of the Punjab National Bank when the illegal demand was made by the petitioner in spite of the loan application having been cleared by the head Branch of the Bank. Besides the above, the petitioner is holding a responsible post of a Branch Manager of the Punjab National Bank.

In view of the aforesaid facts and circumstances stated herein above, the petitioner in the event of his arrest or surrender in the Court below within a period of six weeks in connection with Complaint Case No. 951 of 2017, is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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