

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44912 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- C.B.I CASE District- Patna

MANOJ KUMAR JHA Son of Sri Shashi Kant Jha Resident of R.S. Tank
(Indra Niwas), Laheriasarai, P.S.- Laheriasarai, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar through C.B.I., Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K.Sahi, Sr. Adv
	:	Mr.Tuhin Shankar, Adv
For the Opposite Party/s	:	Mr.Bipin Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 120-B, 420,468,471 and 109 of the Indian Penal Code and Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

Three FIR named borrowers got loan from the Bank for purchase of truck. The loan amount was disbursed to the supplier M/s Pawan Automotives Pvt. Ltd for supply of tanker chassis. Thereafter, three chassis were sent for making of the body to M/s Hans Engineering. The petitioner was authorized to verify that body was being made on the said chassis. Petitioner verified and thereafter remaining amount was



disbursed to M/s Hans Engineering where body was being made. Subsequently, it revealed that all the three tankers were in the name of some different person than the borrower. As such, the Bank found itself cheated.

Submission of the learned counsel for the petitioner is that the petitioner is neither the loan sanctioning authority nor the authority to verify the loan papers of the real borrowers. He had simply reported that body on the chassis was being made at M/s Hans Engineering and to that extent he is not at fault. Moreover, the real borrowers have, before the Debt Recovery Tribunal agreed to refund the entire loan amount. Petitioner has got no criminal antecedent. He is in custody since 07.06.2019.

Considering the facts aforesaid especially the fact that real liability goes against some other person who had sanctioned loan on the basis of fake papers or disbursed loan to the seller of the chassis without verifying in whose name the chassis were sold, hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No.47/2018(arising out of FIR



bearing No. RC0932017S0001 dated 21.03.2017), subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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