

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78162 of 2019

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

Chandan Kumar, aged about 39 years, S/O- Sri Pawan Kumar Chaudhary, One of the director's of M/S Pawan Automotives Pvt. Ltd., Begusarai, R/o Village-Fatha, P.S.- Bachhuara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar through the Central Bureau of Investigation, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the CBI : Mr. Bipin Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ravindra Kumar, learned counsel for the petitioner and Mr. Bipin Kumar Sinha, learned counsel for the Central Bureau of Investigation (hereinafter referred to as the 'CBI').

3. The petitioner apprehends arrest in connection with Case No. RC 1(S)/17, Special Case No. 47/2018 dated 21.03.2017, instituted under Sections 120B read with 420, 467, 468 and 471 of the Indian Penal Code.

4. The allegation against the petitioner is that he along with others had committed fraud in dealing with money taken as



loan by co-accused Pravin Kumar Singh from the State Bank of India.

5. Learned counsel for the petitioner submitted that Pravin Kumar Singh was the person who had been granted loan of Rs. 3.74 crores by the State Bank of India for purchase of fifteen tankers. It was submitted that the said tankers were to be of Eicher brand and the dealer was Pawan Automotives, in which the petitioner was also one of the three directors. Learned counsel submitted that Pawan Automotives has three directors, including his brother Ranjan Kumar and mother, and Ranjan Kumar was the person who was in-charge of Pawan Automotives and the petitioner had no direct role in its functioning. It was submitted that the petitioner has not been party to any of the transactions and even the dealership of Eicher in favour of Pawan Automotives was in the name of his brother Ranjan Kumar. Learned counsel submitted that out of the total 15 vehicles, initially 14 vehicles were supplied to Pravin Kumar Singh, but he returned two vehicles as the same were 12 wheelers whereas the requirement was of 10-wheeled vehicles. It was submitted that the said 2 returned 12-wheeled vehicles were sold to different persons and the balance amount of money which remained with Pawan Automotives was



adjusted by way of supply of four other transport vehicles to Pravin Kumar Singh by Pawan Automotives. It was submitted that the entire amount which was given to Pawan Automotives has been adjusted by supply of the 16 vehicles to Pravin Kumar Singh. Learned counsel submitted that the allegation of Rs. 14.80 lakhs being given to the petitioner out of the amount which was sanctioned and disbursed by the State Bank of India in favour of Pravin Kumar Singh, is incorrect as it was in lieu of Ranjan Kumar being associated as a partner in the flour mill of the petitioner after his other partner had left. Learned counsel submitted that as of now, the account of State Bank of India has been fully satisfied as nothing further remains to be paid.

6. Learned counsel for the CBI submitted that the petitioner has direct role in the entire episode. It was submitted that on a joint application of Pravin Kumar Singh and Pawan Automotives, directly money was transferred in the account of Pawan Automotives for supply of 15 vehicles, but only 12 vehicles were supplied. It was submitted that Pawan Automotives had not returned the money which was given to it for the remaining three vehicles and whatever arrangement Pravin Kumar Singh had made with Pawan Automotives was beyond the purview and knowledge of the State Bank of India



and, obviously, the same was fraudulent, being totally unauthorized. It was submitted that even with regard to the certificate given by Pravin Kumar Singh that he had received 15 vehicles from Pawan Automotives, the same was a blatant lie, as admittedly only 12 vehicles were given by Pawan Automotives to Pravin Kumar Singh initially in terms of the money given by State Bank of India and even if it is accepted that later on 4 more vehicles were given, making it 16 in total, still it would be illegal as the money was given specifically for 15 vehicles of a particular type which could not be changed without having written approval of the State Bank of India as the money was of the State Bank of India, given for a specific purpose. Learned counsel submitted that during investigation it has come that on the prayer made by Pravin Kumar Singh, with regard to building the bodies of the vehicles, the agency was changed and part of the money which was disbursed was given in the account of such builder, who transferred more than Rs. 70,00,000/- in favour of Pawan Automotives, out of which Rs. 14.80 lakhs was in the current account of Pawan Automotives which was operated by the petitioner. It was submitted that part of the amount was also transferred to Divine Infra, owned by the brother of the petitioner, who is the other director of Pawan



Automotives, i.e., Ranjan Kumar. Learned counsel submitted that the arrangement between the State Bank of India and Pravin Kumar Singh is between the parties, but a fraud was committed in the transaction in which Pawan Automotives was also involved. Learned counsel submitted that the petitioner cannot take the plea of not being involved in the business of Pawan Automotives for the reason that out of the three directors, the third one, Ms. Pratima, who is the mother of the petitioner, was a silent partner, which is the reason why Ms. Pratima has not been charge-sheeted despite being a director of Pawan Automotives. It was submitted that in such background, there was no reason for the petitioner also not becoming a silent partner, and thus, his plea of only being an investor and not being associated in the working of Pawan Automotives, clearly is untenable. It was further submitted that the money having been received by Pawan Automotives after applying to the State Bank of India and the specified number of vehicles not being supplied in terms of the said commitment without there being any permission to vary the same, clearly amounts to fraud. Learned counsel submitted that co-accused Pravin Kumar Singh and Manoj Kumar Jha who was the Field Officer of the State Bank of India were denied anticipatory bail by the High Court



and upon surrender have been granted regular bail by the High Court.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the submissions of learned counsel for the CBI and, thus, is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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