

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8848 of 2022

Arising Out of PS. Case No.-819 Year-2019 Thana- KANKARBAG District- Patna

1. PRAVIN KUMAR GAUTAM Son of Late Anugrah Narayan Sharma
Designation - ASM, Resident of Village - B/169, Police Colony, Anisabad,
P.s.- Phulwari, Patna 800002
2. Sandeep Sehgal Son of Shri Amar Nath Sehgal Designation - Associate
Director, Resident of Village - E-27, Lajpat Nagar, 1st P.S.- Lajpat Nagar ,
New Delhi - 110024.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Adv
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects
within stipulated period, office will place the matter before the
Bench.

Learned counsel for the petitioners filed a supplementary
affidavit in the Court. The same is accepted and kept on record.

The petitioners apprehend their arrest in a case registered
for the offence punishable under section 406 and 420 of the
Indian Penal Code.



Allegedly, the informant was pressurized by the Panasonic Company to open an e-DFS account with the State Bank of India. The petitioners visited the office of the informant for account opening and made him to sign on the document for opening of account in the name of M/s Jai Bhawani Enterprises and it was assured that the Panasonic will be guarantor in the account. It is alleged that the informant was never informed by the petitioners that the company will have withdrawing power for the said account. The company withdrew Rs.98,00,000/- from the e-DFS account of the informant. It is also alleged that the informant was fraudulently removed from the position of the authorized dealer of the Company without any prior information.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The informant has filed the present case with malafide intention to avoid payment of outstanding loan amount of State Bank of India. On 19.07.2019 Panasonic terminated the agreement with the informant due to



his outstanding dues. On 24.07.2019 and 09.08.2019, Panasonic even requested the informant for full and final settlement but the informant did not pay any heed to the same. The State Bank of India declared the account of the informant as NPA. It is submitted that the informant had himself agreed to the terms and conditions of e-DFS facility after negotiating with the State Bank of India, and signed the said documents after understating the contents of the same. The statements made by the informant that Panasonic withdrew an amount of Rs.98,00,000/- from e-DFS account are completely false. Learned counsel for the petitioners submits that the informant entered into One time settlement with the Bank in a proceeding before the Ld. Debt Recovery Tribunal and the SBI withdrew the suit against the petitioners. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is a commercial money dispute between the parties, let the petitioners, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in Kankarbagh P.S. Case No. 819 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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