IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29017 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- GANDHIMAIDAN District- Patna

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SHUBHAM KUMAR GUPTA Son of Late Sanjay Kumar Gupta Resident of Mohalla - Shivpuri Beur More, P.S.- Gardanibagh, District - Patna

... ... Petitioner/s

Versus

1. The State of Bihar Bihar
2. Economic Offences Unit, Bihar, Patna Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rohit Kumar, Adv.
For the Economic Offence Unit:	Mr. V.N.P.Sinha, Sr. Adv. Ms. Soni Srivastava, Adv.
For the Kotek Mahindra Bank:	Mr. Dayanand Singh, Adv. Mr. Nagdeo Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

10 26-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 419, 420, 467, 468 and 471 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the petitioner visited the exhibition road branch of the Kotak Mahindra Bank and made a request to transfer Rs. 11.73 crores (approx) from the account held by the competent authority under Land Acquisition-cum-District Land Acquisition Officer, Patna to the account of B S Enterprises held with ICICI Bank, Boring Road, Patna. On enquiry, it transpired that no cheque was accompanying the said RTGS forms and the signature on the RTGS forms and other documents were all fake and forged.

It is submitted by learned counsel for the petitioner that the petitioner is merely an employee of his company and it was on the direction of the senior employees that he had carried the documents to the bank. No money was transferred as a result of the same nor is there any evidence to the effect that he has been the beneficiary in any manner. It is submitted that the investigation in the case has concluded. He is in custody since 2.1.2021 and undertakes to cooperate in the case.

The application for bail is opposed by learned Senior counsel appearing for the Economic Offences Unit and learned counsel for the Kotak Mahindra Bank. It is submitted that it was as a result of a conspiracy that the petitioner himself was carrying the forged documents with the intention of getting Rs.11.73 crores transferred to the account of of BS Enterprises with the ICICI Bank. It is further submitted that the bail application of Sumit Kumar, Manager of the Bank has been rejected.

Having heard learned counsel for the parties and taking into consideration the facts of the case, there being direct allegation against the petitioner in the FIR of having carried forged documents with the intention of getting Rs. 11.73 crores transferred to the account of BS Enterprises, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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