

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31099 of 2021

Arising Out of PS. Case No.-714 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

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PAWAN KUMAR PANDIT S/O CHANDRA SANKAR PANDIT R/O
VILLAGE PAPRAUR WARD NO. 13 P.S. BARAUNI DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. Braj Bhushan Rai, S/o Ram Badan Rai, at present Regional Head Sri Ram
Transport Finance Company Ltd. Osho House, 2nd Floor , Kaparya Chowk
N.H. 31 Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Manoj Kumar

For the informant / O.P. : Mr. Madhu Prasun

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with
Begusarai Town P.S. Case No. 714 of 2017 registered for the
offence under Sections 420 / 467 / 468 / 471 / 120 (B) / 409 of
the I.P.C.

As per the First Information Report, the petitioner in
connivance with others obtained a loan from the informant - Sri
Ram Transport Finance Co. Ltd. to the tune of Rs. 924648/- on
the basis of forged document and the loan amount was



transferred to the bank account of the petitioner.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and in fact the petitioner is a labourer working under one Nil Kamal Bhardwaj , who is the owner of *Man Nirjal Co.* He further submits that petitioner is an illiterate person and his employer- Nil Kamal Bhardwaj in good faith took his Pass Book, ATM Card, Aadhaar Card , cheque book, signature on five cheques and some other papers saying that these documents and other papers would be used for opening insurance policy in the name of the petitioner. It appears that the said Nil Kamal Bhardwaj based upon the aforesaid documents obtained the loan in question in the name of the petitioner from the Finance Company using his account and after some time when the petitioner got knowledge about fraud being committed by his employer, he lodged an FIR bearing Barauni P.S. Case No. 489 of 2017 on 17 – 12 – 2017 and after investigation charge sheet has been submitted against Nil Kamal Bhardwaj. He next submits that after lodging of the First Information Report by the petitioner on 17 / 12 / 2017 the present FIR has been lodged by the informant - Finance Company on 23-12-2017. Submission in nutshell is that petitioner is a victim of fraud at the instance of



his employer / Nilkamal and he was having no knowledge about the loan being transferred in his account by the Finance Company.

On the other hand, learned counsel appearing for the informant vehemently opposed the prayer for bail and submits that petitioner is not a victim on the contrary he is the main culprit inasmuch as in connivance with other accused persons he obtained a fraudulent loan and the loan amount was transferred in the bank account of the petitioner.

Mr. B.N. Pandey, learned APP for the State, who was requested by this court to go through the case diary, referring to case diary submits that it appears to be money dispute between the parties and the co-accused person / Shankar Paswan has been granted bail by a Co-ordinate Bench of this court in Cr. Misc. No. 78181 of 2019 and the officer of the informant / Finance Company namely Subhash Singh who was also made accused in this case has been granted anticipatory bail by this court in Cr. Misc. No. 56817 of 2018.

Regard being had to the submissions made by the parties, taking into consideration the materials available on record, the fact that similarly situated accused persons have been granted bail including the official of the informant –



Finance Company, the petitioner is in custody since 27/1/2021 having no criminal antecedent, charge sheet has been filed based upon documentary evidence and there is no likelihood that petitioner will abscond or tamper with the evidence if released on bail, as such, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Judicial, I, Begusarai / C.J.M., Begusarai / court concerned in connection with Begusarai Town P.S. Case No. 714 of 2017.

(Anil Kumar Sinha, J)

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