

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36458 of 2021**

Arising Out of PS. Case No.-1503 Year-2019 Thana- BEGUSARAI COMPLAINT CASE  
District- Begusarai

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HEMANT KUMAR DAS S/O Late Sri Awadhesh Kumar Das R/O 504/A,  
White House Apartment, Buddha Marg, P.S. Kotwali, District - Patna 800001.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BHUWAN KUMAR S/O Upendra Yadav R/O Bhawangama, Post - Pehsara Bhawangama, P.S. Navkothi, District Begusarai 851127, presently R/O Mohalla Yogipur, Village Kankarbagh, District - Patna 800020.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Nikhil Kumar Agrawal  
For the Opposite Party/s : Mr.J.N.Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

CAV ORDER

3      17-02-2022                      The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner apprehends his arrest for the offences alleged under Sections 406 and 420 of the Indian Penal Code, registered in connection with Complaint Case No.1503(C) of 2019.

The complainant Bhuwan Kumar made allegation by filing Complaint Petition No. 1503 of 2019 in the court of Chief Judicial Magistrate, Begusarai against the present petitioner. As per the complaint petition, there was good relationship between the complainant and the petitioner and later on this relationship turned into the friendship as the complainant and his father had



faith and belief on the petitioner, but misusing his faith and belief, the petitioner, in conspiracy with the Manager of the Andhra Bank, who is accused no.2, by committing fraud and forgery, misappropriated the huge amount of the complainant. The petitioner assured the complainant to facilitate him for the loan as the Branch Manager of Andhra Bank was well-known to him. On this false representation, he obtained the signature of the complainant and his parents on some blank papers, stamp papers and cheques. Ultimately, the Andhra Bank sanctioned him the loan for bulk purchase of generator, milk cane and other machineries. The entire amount of loan amounting to Rs. 30,07,150/- was transferred in the account of the petitioner as he represented himself as the supplier of articles through his Establishment. It is alleged further that the petitioner supplied articles of only Rs. 13,01,890/- as against Rs. 30,07,150/-. Despite repeated demands, the petitioner neither returned the money nor supplied the articles. He was ready to refund only Rs. 5,00,000/- as against Rs.17,00,000/-.

The learned counsel for the petitioner has submitted that the complaint petition is not maintainable since the Pvt. Ltd. Company of the present petitioner was not impleaded as party. He has also submitted that for the act of the Company, the



petitioner cannot be held personally responsible.

The complaint petition itself shows that the present petitioner after developing personal relationship, committed fraud on the complainant after getting him in faith and belief due to personal relationship. Paragraph no.3 shows that the petitioner is a habitual offender of such kind of offences and as many as seven criminal cases of similar nature are pending against him.

Considering the above facts and circumstances, the present petitioner does not deserve the anticipatory bail. His prayer of anticipatory bail is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

HR/-

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