

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37286 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- DEHRI TOWN District- Rohtas

CHUNNU KUMAR GUPTA S/o Krishna Sah R/o Mohalla- Trigun, Dihri,
Dhantoliya, Kali Asthan, P.O. and P.S.- Dihri, Distt. and Town- Rohtas,
Authorised Proprietor M/S Gupta Traders

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
Mr. Alok Ranjan, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-02-2022 Heard Mr. Rajendra Narain, learned senior counsel
assisted by Mr. Alok Ranjan for the petitioner and learned A.P.P.
for the State through virtual Court proceedings.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 420, 406,
467, 468 & 471 of the Indian Penal Code.

The allegation against the petitioner is that he has
taken loan of Rs.61.80 lacs from the informant for his business



activities and used the same for his personal requirements and not produced stock statements and book dates since a long period before the informant and his account has been declared NPA by the bank. As such, he wanted to grab the loan amount and lastly closed his business activities.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case by the bank. At the time of declaring his account as NPA, bank has not provided bank statement to the petitioner due to which he filed an application before the DRT bearing Application No.87 of 2019 in which the learned Presiding Officer of DRT vide its order dated 17.12.2019 set aside the act of bank authority against the petitioner. Thereafter, the bank filed an Original Application No.683 of 2019 against the petitioner, which is still pending. It is further submitted that the matter relates to financial calculation and misunderstanding. It is also submitted that it is the settled principle of law that two separate proceedings cannot be proceeded against same person with similar offence at different forum. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the



event of his 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) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dihri P.S. Case No. 230 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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